

ENTERED  
Office of Proceedings

APR 27 2012

Part of  
Public Record

CHARLES H. MONTANGE

ATTORNEY AT LAW

426 NW 162ND STREET  
SEATTLE, WASHINGTON 98177

206.546-1936  
FAX 206 546 3739

26 April 2012

By Federal Express

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20024

232 2.45

RECEIVED

APR 27 2012

TRANSPORTATION BOARD

FILED

APR 27 2012

TRANSPORTATION BOARD

Re: City of Alameda d/b/a Alameda Beltline Railroad – Abandonment Exemption – in City of Alameda, CA, AB 1090X

1. Notice of Exemption for two year out of service abandonment (including filing fee)
2. Statement of Willingness (automatic filing fee exemption requested) for railbanking of MP 0 to MP 1.85
3. Consent to negotiate railbanking
4. Letter request for issuance of NITU for portion of abandonment from MP 0 to MP 1.85.

Dear Ms. Brown:

Notice of Exemption. Enclosed for filing in the above-captioned proceeding are the original and ten copies of a Verified Notice of Exemption pursuant to 49 C.F.R. 1152.50 for filing on April 27, 2012. A check in the amount of \$3600, representing the current filing fee for same, is also enclosed.

Statement of Willingness. Enclosed for filing is a Statement of Willingness by the City of Alameda to assume responsibility in accordance with 49 C.F.R. 1152.29 for the portion of the proposed abandonment from MP 0 to MP 1.85. By my signature below, I hereby certify service of the Statement of Willingness upon representatives of the City of Alameda.

Fee exemption for Statement of Willingness. City of Alameda is a unit of local government which qualifies for automatic waiver of filing fees for the statement of willingness pursuant to 49 C.F.R. 1002.2(e) (1). City of Alameda accordingly requests a waiver of any fee for filing the statement of willingness.

BEFORE THE SURFACE TRANSPORTATION BOARD

DOCKET 1090X

**FILED**

APR 27 2012

**SURFACE  
TRANSPORTATION BOARD**

CITY OF ALAMEDA d/b/a ALAMEDA BELT LINE RAILROAD –

ABANDONMENT EXEMPTION –

IN CITY OF ALAMEDA, CA,

**FEE RECEIVED**

APR 27 2012

**SURFACE  
TRANSPORTATION BOARD**

VERIFIED NOTICE OF EXEMPTION

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APR 27 2012  
**ENTERED  
Office of Proceedings  
Part of  
Public Record**

City of Alameda (CA) d/b/a Alameda Belt Line Railroad ("ABL") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. 1152.50 for ABL to abandon approximately 2.61 miles of line between milepost ("MP") 0.0 near the intersection of Clement Avenue and Broadway and MP 2.61 near Constitution Way, all in the City of Alameda, County of Alameda, CA. No local rail traffic has moved over the line during the past two years, nor is there any possibility of overhead rail traffic.

Based on title reports received to date by ABL, the line does not contain federally granted railroad rights of way.

ABL last operated in 1998, when its last major shipper, a Del Monte cannery, closed. Union Pacific then provided service for all remaining customers pursuant to trackage rights granted at Union Pacific Railroad Company – Trackage Rights Exemption – Alameda Belt Line, F.D. 33682, served Nov. 24, 1998. The last customer ceased use of the line in 2001. Union Pacific terminated its trackage rights over the ABL in Union Pacific RR – Discontinuance of Trackage Rights Exemption – in Alameda County, CA, AB 33 (Sub-no. 291X), served April 8, 2010. There has been no rail traffic on the line for over ten years.

1. Proposed consummation date. ABL proposes that the abandonment be effective 30 days after this agency publishes notice (as provided in the regulations), or June 18, 2012, whichever is later.
2. Certification required by 49 C.F.R. 1152.50(b). See Exhibit A.
3. Information required by 49 C.F.R. 1152.22(a) (1) through (4), (7) and (8) and (e) (4).

a. General

- i. Exact name of applicant: City of Alameda d/b/a Alameda Belt Line Railroad

- ii. Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105: Yes.
- iii. Relief sought: Applicant City seeks to use the class exemption at 49 CFR 1152.50 to obtain authorization to abandon approximately 2.61 miles of rail line in City and County of Alameda, between MP 0.0 near the intersection of Clement Avenue and Broadway and MP 2.61 near Constitution Way (the remaining line in its entirety).
- iv. Map: see exhibit B
- v. Name, title and address of representative of applicant to whom correspondence should be sent: Charles H Montange, Law Offices of Charles H. Montange, 426 NW 162d St., Seattle, WA 98177 (206)546-1936.
- vi. List of USPS Zip codes traversed by line: 94501.

(e)(4). Rural and community impact—Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of the property for other than rail purposes, this shall be disclosed. The property is suitable for other public purposes. The applicant intends to “railbank” MP 0.0 to MP 1.85, which will ensure preservation of a linear rail corridor potentially suitable for rail reactivation, mass transportation, roads, highways, trail, open space and park uses.

4. Level of labor protection. The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. – Abandonment – Goshen, 360 ICC 91 (1979).

5. Certifications. Certificates of compliance with the notice requirements of 49 C.F.R. 1152.50(d) (1) and 1105.12 are attached in Exhibits C and D respectively.’

6. CZMA. The proposed action will not result in any changes to the existing physical conditions in the area or to lands within the Coastal Zone. Future improvements to remove or replace tracks on lands within 100 feet of the Inner Harbor shorelines will require review and approval by the Bay Conservation and Development Commission (BCDC) to ensure that any future improvement within 100 feet of the shoreline is consistent with the public shore line access goals and objectives of the San Francisco Bay Plan and the Coastal Zone Management Act. The Applicants is committed to obtaining BCDC approval for all permits that are duly required pursuant to the CZMA. As a result, in applicant’s judgment the proposed action will not affect land or water uses within a State Coastal zone designated pursuant to the Coastal

Zone Management Act. Applicant's certification of compliance with 49 C.F.R. 1105.9(a) is attached as part of Exhibit E-1.

7. Environmental and Historic Report. The Environmental and Historic Report was served electronically on the Board's Office of Environmental Analysis on March 22, 2012. A copy with all comments received thereon to date is attached as Exhibit E, along with a certificate of service and of compliance with 49 C.F.R. 1105.9.

Exhibit A: Certification of Compliance with 49 CFR 1150.50(b)

Exhibit B: Map

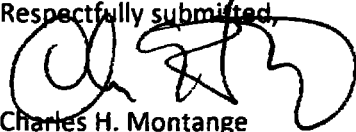
Exhibit C: Certificate of Compliance with notice requirement of 1152.50(d) (1)

Exhibit D: Affidavit of Publication (1105.12 certification)

Exhibit E-1: certifications of service

Exhibit E-2: ER/HR and comments to date

Respectfully submitted,



Charles H. Montange

Law Offices of Charles H. Montange

426 NW 162d St.

Seattle, WA 98177

(206) 546-1935

Fax: (206) 546-3739

Counsel for Applicant City of Alameda d/b/a Alameda Belt Line

## Exhibit A

Verification and Certification That Rail Line Meets  
Criteria of 49 CFR 1152.50(b)

State of California    )  
                                  ) ss  
County of Alameda)

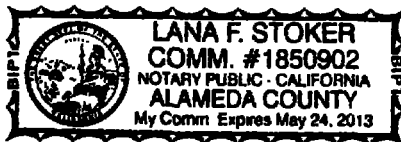
I, Matt Naclerio, being duly sworn depose and state that I am the Director of the Public Works Department of the City of Alameda d/b/a Alameda Belt Line ("Applicant"), that my Department is responsible for transportation (including rail) for Applicant, that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge and belief.

I hereby certify that no local traffic has moved over Applicant's approximately 2.61 mile of line from MP 0.0 to end of line at MP 2.61 for at least two years prior to the date hereof, and that overhead traffic on the line does not exist and in all events can be rerouted to other lines. No formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

  
Matt Naclerio

Subscribed and sworn to before me this 17th day of April, 2012.

My commission expires: May 24, 2013



  
Notary Public

State of California)  
County of Alameda)

On April 17, 2012 before me, Lana F. Stoker, a Notary Public,  
(date)  
personally appeared Matthew T. Naclerio, who  
(signers)

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(~~ies~~), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

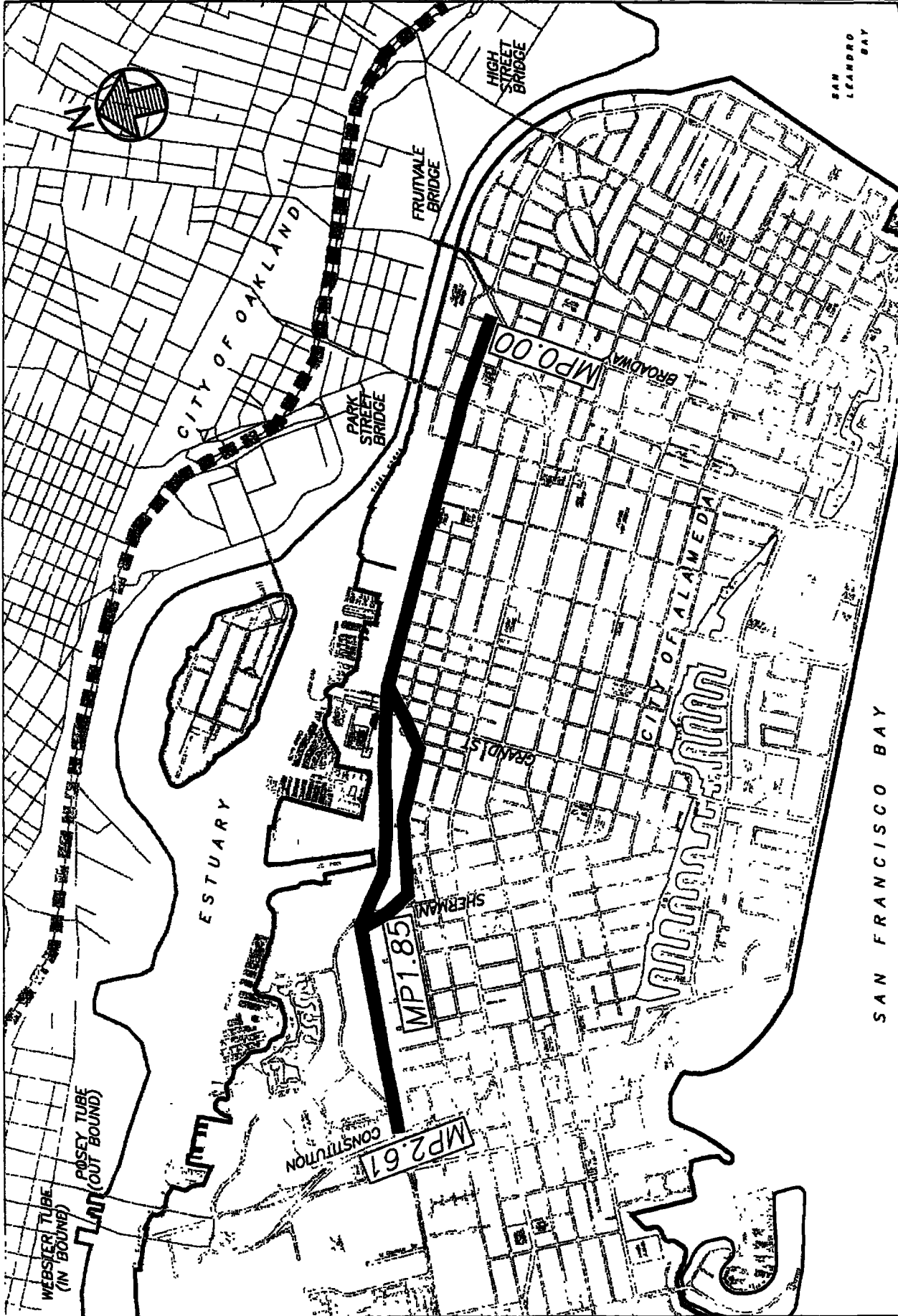
Signature

Lana F. Stoker (Seal)



## ALAMEDA BELTLINE RAILROAD, M.P. 0.00 TO 2.61 CITY OF ALAMEDA, CA

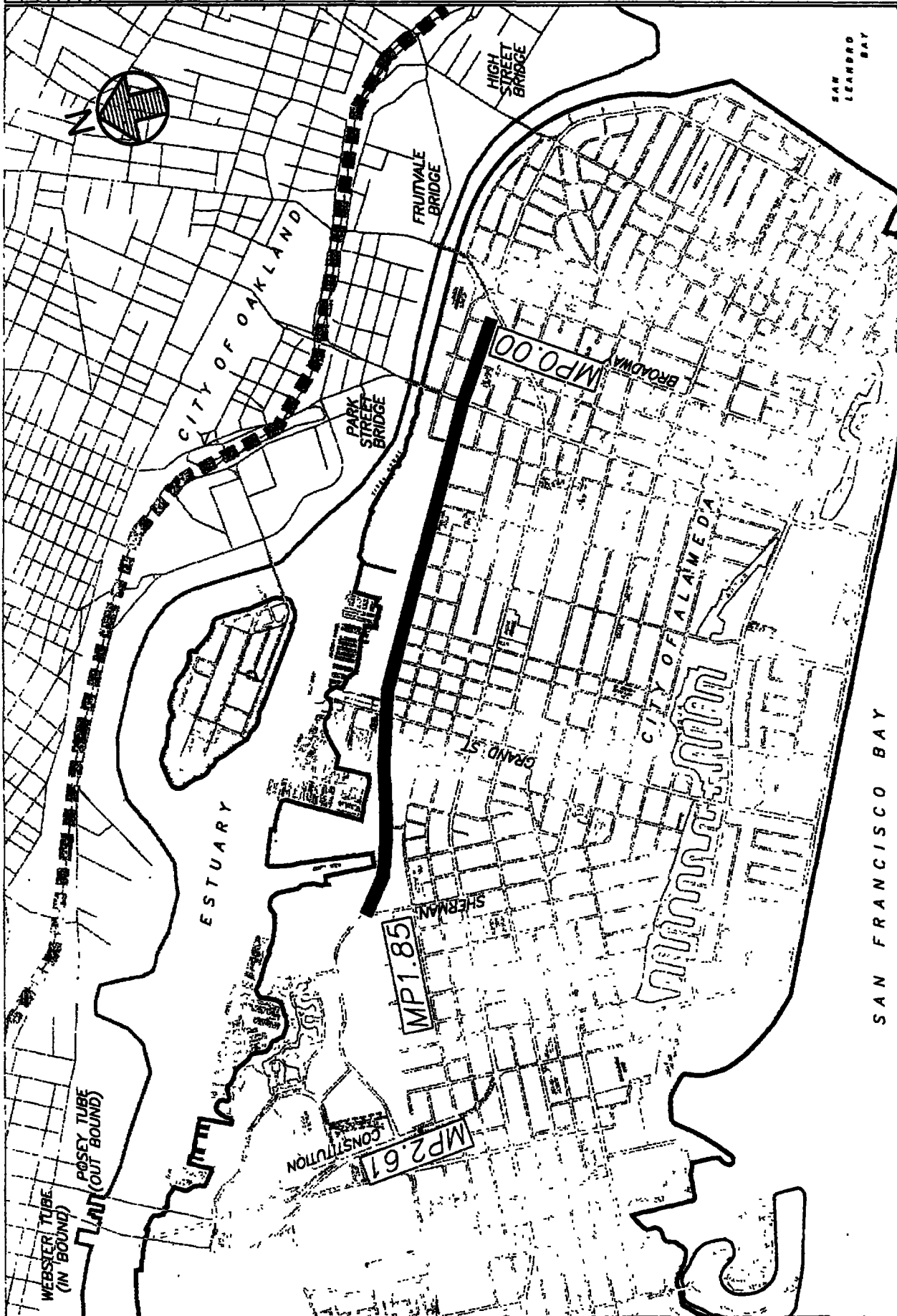
DATE: 11-2007  
SCALE: 1"=200'



### LEGEND

PROPOSED ABANDONMENT  
MILE POST 0.00 to 2.61

PRINCIPAL HIGHWAYS



TRACKAGE TO BE RAILBANKED  
MILE POST 0.00 to 1.85

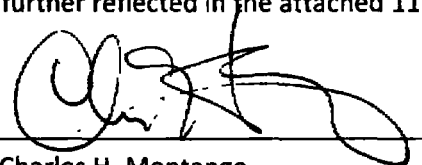
## PRINCIPAL HIGHWAYS

## LEGEND

Exhibit C

Certificate of Service for 1152.40(d) (1) Notice  
and Copy of Notice

I, Charles H. Montange, hereby certify service of the attached 1152.40(d)(1) notice by U.S. Mail, postage pre-paid, first class, on 26 March 2012 upon the California PUC, SDDC-TEA, National Park Service (River, Trails and Conservation Assistance Program), and Chief of the US Forest Service upon their addresses of record as further reflected in the attached 1152.50(d)(1) notice.

A handwritten signature in black ink, appearing to read 'C. Montange', is written over a horizontal line.

Charles H. Montange  
Counsel for City of Alameda d/b/a ABL

**CHARLES H. MONTANGE**  
ATTORNEY AT LAW  
426 NW 162ND STREET  
SEATTLE, WASHINGTON 98177  

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(206) 546-1936  
FAX. (206) 546-3739

26 March 2012

Re: "Exempt" abandonment of line of railroad in City of Alameda

Notice pursuant to 49 C.F.R. 1152.40(d)(1)  
Filing projected on or about April 27, 2012

To: CA Public Utilities Commission  
595 Van Ness Ave.  
San Francisco, CA 94102

SDDC-TEA—Railroads for National Defense Program  
1 Soldier Way, Bldg. 1900W  
Scott Air Force Base, IL 62225-5006

NPS, Rivers, Trails and Conservation Assistance Program  
1849 C Street NW, Org. Code 2220  
Washington, D.C. 20240  
and  
333 Bush St., Suite 500  
San Francisco, CA 94104-2828

Chief, US Forest Service  
Attn: Office of Communication  
Mail Stop 1111  
1400 Independence Ave SW  
Washington, D.C. 20250-0003

Name of railroad: City of Alameda d/b/a Alameda Belt Line

Relevant postal zip codes: 94501

Railroad abandonment exemption procedure to be used: 49 C.F.R. 1152.50 two year out of service notice of exemption procedure.

Further information: Applicant City of Alameda d/b/a ABL anticipates filing of the notice of exemption at the Surface Transportation Board on or about April 27, 2012. The notice of exemption will cover a line of railroad known as the Alameda Belt Line (ABL) from MP 0.0 to end of line at MP 2.61 in the City of Alameda, County of Alameda, State of California. STB has assigned docket number AB 1090X for the proceeding. For further information please contact our counsel, Charles H. Montange, 426 NW 162d St., Seattle, WA 98177, tel: 206-546-1936, or Lori Taylor, Director of Community Development, City of Alameda, 510-747-6899. A map showing the location of the proposed abandonment, and also a map showing a portion that the City anticipates "railbanking" are attached hereto.

Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it."

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Montange', written over a horizontal line.

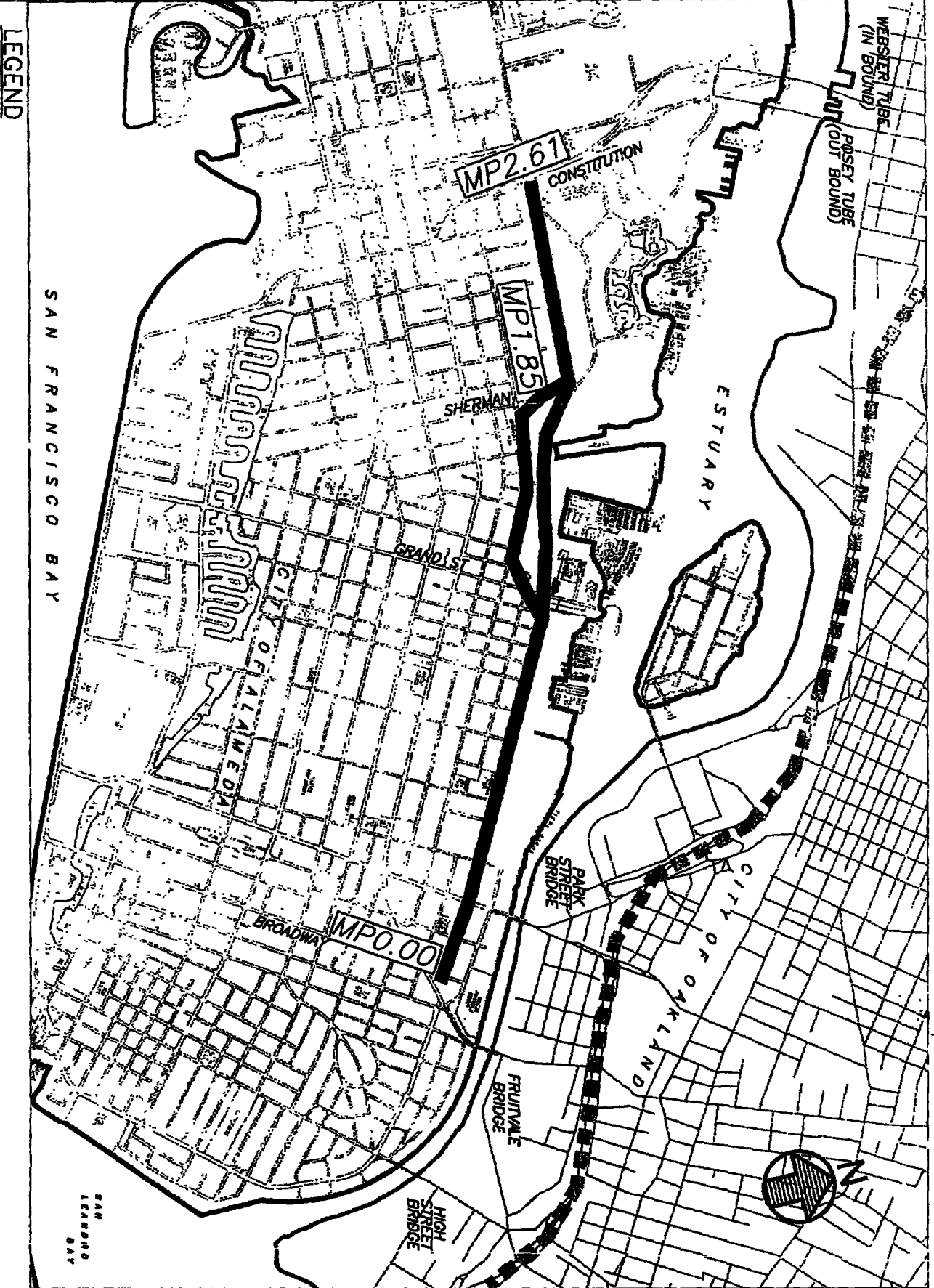
Charles H. Montange

Counsel for applicant City of Alameda d/b/a Alameda Belt Line

Att: 2 maps

# ALAMEDA BELTLINE RAILROAD, M.P. 0.00 TO 2.61 CITY OF ALAMEDA, CA

DATE: FEB  
2010  
BY: J. L. BROWN  
REVISED: 11/2010



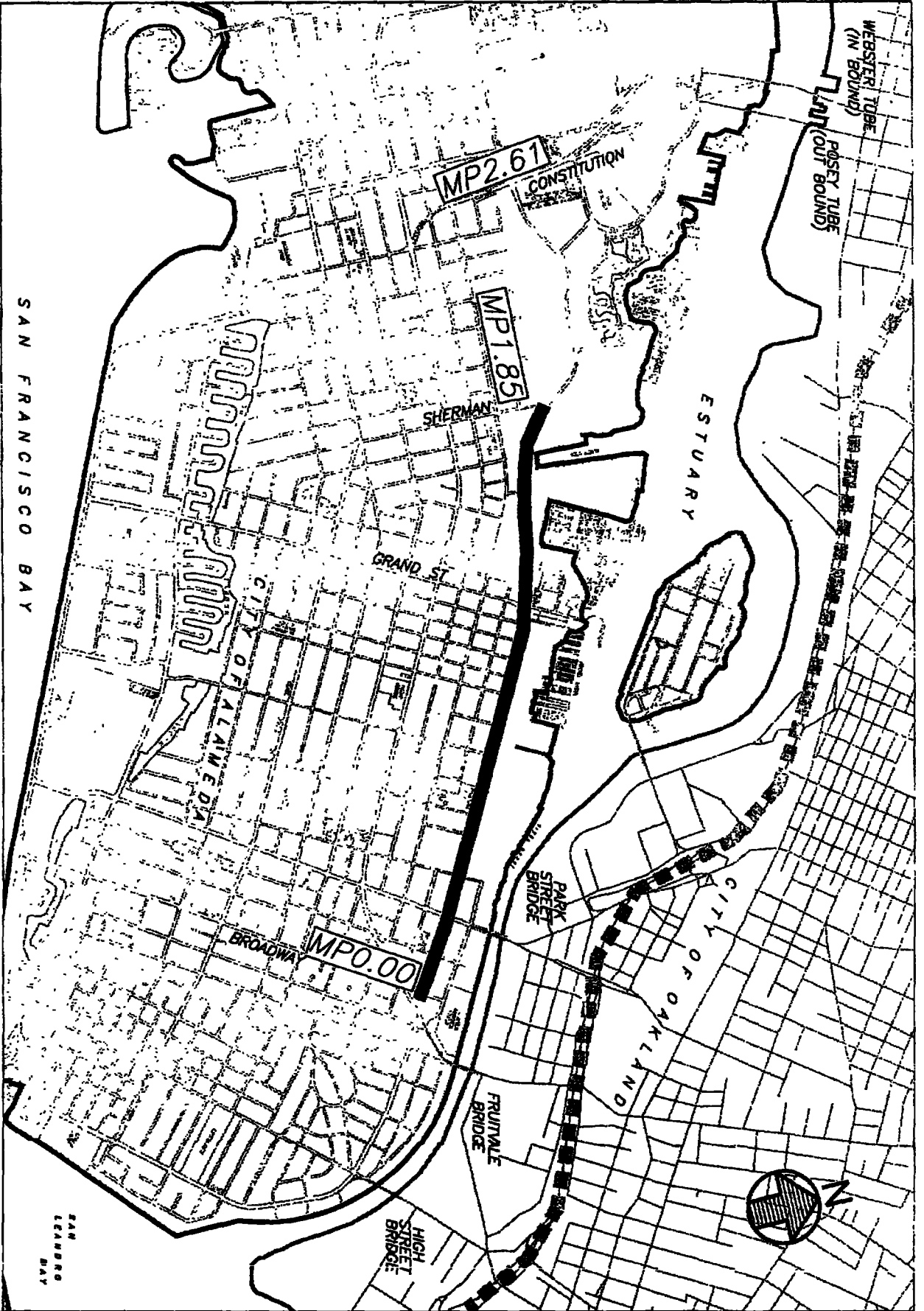
## LEGEND

PROPOSED ABANDONMENT  
MILE POST 0.00 TO 2.61

PRINCIPAL HIGHWAYS

# ALAMEDA BELTLINE RAILROAD, M.P. 0.00 TO 2.61 CITY OF ALAMEDA, CA

DATE: FEB 2011  
DRAWN: J. HARRIS



## LEGEND

TRACKAGE TO BE RAILBANKED  
MILE POST 0.00 TO 1.85

PRINCIPAL HIGHWAYS

**Alameda Journal**

Alameda, City of  
Building & Planning, 2263 Santa Clara Ave., Rm 190  
Alameda CA 94501

**PROOF OF PUBLICATION****FILE NO. Abandon Rail Servi**

In the matter of

Alameda Journal

I am a citizen of the United States, I am over the age of eighteen years, and I am not a party to or interested in the above-entitled matter. I am a foreman or principle clerk of the printer and publisher of the Alameda Journal, a newspaper published in the English language in Alameda County, State of California

I declare that the Alameda Journal, is a newspaper of general circulation as defined by the laws of the State of California, as determined by the order of the Superior Court of the County of Alameda, dated August 25, 1992, in the action entitled "In the Matter of the Petition of the Alameda Journal to Have the Standing of the Alameda Journal as a Newspaper of General Circulation Ascertained and Established," Case Number 702515-6. Said order provides that, "Petitioner's prayer for an order ascertaining and establishing The Alameda Journal as a newspaper of general circulation.. within the City of Alameda, County of Alameda, State of California, is granted." Said order has not been revoked.

I declare that the notice, a printed copy of which is annexed hereto, has been published in each regular and entire issue of the Alameda Journal and not in any supplement thereof on the following dates, to-wit:

3/23/2012

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.

On this 23th day of March, 2012

  
Signature

Legal No

0004375332

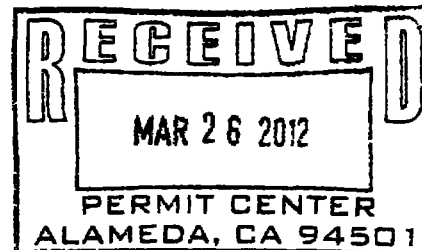
CITY OF ALAMEDA  
Community Development Department  
2263 Santa Clara Avenue, Room 190

**NOTICE OF INTENT TO ABANDON OR TO  
DISCONTINUE RAIL SERVICE**

1. Notice of Intent to Abandon or to Discontinue Rail Service. City of Alameda d/b/a Alameda Belt Line gives notice that on or about April 27, 2012, intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting the abandonment of service on a 2.61 mile line of railroad between railroad milepost 0, near the intersection of Clement Avenue and Broadway, and railroad milepost 2.61 near Constitution Way, all in the City of Alameda, and all of which traverses through United States Postal Service ZIP Code 94501 in Alameda County, CA. The proceeding has been docketed as No. AB 1090X. The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, DC 20423 or by calling OEA at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Chief, Section of Administration, 395 E Street SW., Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Charles H. Montagne, Law Offices of Charles H. Montagne, 426 NW 16th St., Seattle, WA 98177. You may also telephone Lori Taylor, the Community Development Director for the City of Alameda, at 510-747-6889, if you have questions.

AJ 4375332 Mar. 23, 2012



**Piedmonter**

Alameda, City of  
Building & Planning, 2263 Santa Clara Ave., Rm. 190  
Alameda CA 94501

**PROOF OF PUBLICATION****FILE NO. Abandon Rail Srvc**

In the matter of

**Piedmonter**

I am a citizen of the United States, I am over the age of eighteen years, and I am not a party to or interested in the above-entitled matter. I am a foreman or principle clerk of the printer and publisher of the Piedmonter, a newspaper published in the English language in Alameda County, State of California.

I declare that the Piedmonter is a newspaper of general circulation as defined by the laws of the State of California, as determined by the order of the Superior Court of the County of Alameda, dated July 8, 1936, in the action entitled "In the Matter of the Petition of the Piedmonter to Have the Standing of the Piedmonter as a Newspaper of General Circulation Ascertained and Established," Case Number 140711. Said order provides that: "Petitioner's prayer for an order ascertaining and establishing The Piedmonter as a newspaper of general circulation within the City of Oakland, County of Alameda, State of California, is granted." Said order has not been revoked.

I declare that the notice, a printed copy of which is annexed hereto, has been published in each regular and entire issue of the Piedmonter and not in any supplement thereof on the following dates, to-wit:

**3/30/2012**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California

Signature

Legal No

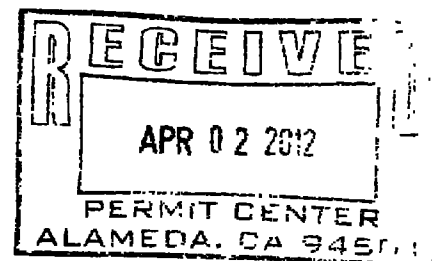
**0004383129**

CITY OF ALAMEDA  
Community Development Department  
2263 Santa Clara Avenue, Room 190

**NOTICE OF INTENT TO ABANDON OR TO DISCONTINUE RAIL SERVICE**

1. Notice of Intent to Abandon or to Discontinue Rail Service. City of Alameda d/b/a Alameda Belt Line gives notice that on or about April 27, 2012, intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting the abandonment of service on a 2.61 mile line of railroad between railroad milepost 6, near the intersection of Clement Avenue and Broadway, and railroad milepost 2.61 near Constitution Way, all in the City of Alameda, and all of which traverses through United States Postal Service ZIP Code 94501 in Alameda County, CA. The proceeding has been docketed as No. AB 1090X. The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, DC 20423 or by calling OEA at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Chief, Section of Administration, 395 E Street SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Charles H. Montange, Law Offices of Charles H. Montange, 426 NW 162nd St., Seattle, WA 98177. You may also telephone Lori Taylor, the Community Development Director for the City of Alameda, at 510-747-6699, if you have questions.

**BV/JL/PM/MC 4383129 Mar. 30, 2012**

**Montclarion**

Alameda, City of  
Building & Planning, 2263 Santa Clara Ave., Rm. 190  
Alameda CA 94501

**PROOF OF PUBLICATION****FILE NO. Abandon Rail Srvc**

In the matter of

Montclarion

I am a citizen of the United States, I am over the age of eighteen years, and I am not a party to or interested in the above-entitled matter. I am a foreman or principle clerk of the printer and publisher of the Montclarion, a newspaper published in the English language in Alameda County, State of California.

I declare that the Montclarion, is a newspaper of general circulation as defined by the laws of the State of California, as determined by the order of the Superior Court of the County of Alameda, dated March 10, 1950, in the action entitled "In the Matter of the Petition of the Montclarion to Have the Standing of the Montclarion as a Newspaper of General Circulation Ascertained and Established," Case Number 224574. Said order provides that "Petitioner's prayer for an order ascertaining and establishing The Montclarion as a newspaper of general circulation within the City of Oakland, County of Alameda, State of California, is granted." Said order has not been revoked.

I declare that the notice, a printed copy of which is annexed hereto, has been published in each regular and entire issue of the Montclarion and not in any supplement thereof on the following dates, to-wit:

3/30/2012

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California

Signature

Legal No

0004383129

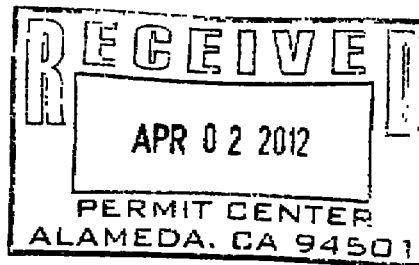
CITY OF ALAMEDA  
Community Development Department  
2263 Santa Clara Avenue, Room 190

**NOTICE OF INTENT TO ABANDON OR TO DISCONTINUE RAIL SERVICE**

1. Notice of Intent to Abandon or to Discontinue Rail Service. City of Alameda d/b/a Alameda Belt Line gives notice that on or about April 27, 2012, intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting the abandonment of service on a 2.61 mile line of railroad between railroad milepost 0, near the intersection of Clement Avenue and Broadway, and railroad milepost 2.61 near Constitution Way, all in the City of Alameda, and all of which traverses through United States Postal Service ZIP Code 94501 in Alameda County, CA. The proceeding has been docketed as No. AB 1090X. The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, DC 20423 or by calling OEA at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Chief, Section of Administration, 395 E Street SW, Washington, DC 20423 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicants' representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Charles H. Montange, Law Offices of Charles H. Montange, 426 NW 162nd St., Seattle, WA 98177. You may also telephone Lori Taylor, the Community Development Director for the City of Alameda, at 510-747-6699, if you have questions.

BV/JL/PM/MC 4383129 Mar. 30, 2012



**Berkeley Voice**

Alameda, City of  
Building & Planning, 2263 Santa Clara Ave., Rm 190  
Alameda CA 94501

**PROOF OF PUBLICATION**

FILE NO. Abandon Rail Srvc

In the matter of

Berkeley Voice

I am a citizen of the United States, I am over the age of eighteen years, and I am not a party to or interested in the above-entitled matter. I am a foreman or principle clerk of the printer and publisher of the Berkeley Voice, a newspaper published in the English language in Alameda County, State of California.

I declare that the Berkeley Voice is a newspaper of general circulation as defined by the laws of the State of California, as determined by the order of the Superior Court of the County of Alameda, dated September 3, 1991 in the action entitled "In the Matter of the Petition of the Berkeley Voice to Have the Standing of the Berkeley Voice as a Newspaper of General Circulation Ascertained and Established," Case Number 588221-2. Said order provides that "Petitioner's prayer for an order ascertaining and establishing The Berkeley Voice as a newspaper of general circulation within the City of Berkeley, County of Alameda, State of California, is granted." Said order has not been revoked.

I declare that the notice, a printed copy of which is annexed hereto, has been published in each regular and entire issue of the Berkeley Voice and not in any supplement thereof on the following dates, to-wit:

3/30/2012

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.

Signature

Legal No

0004383129

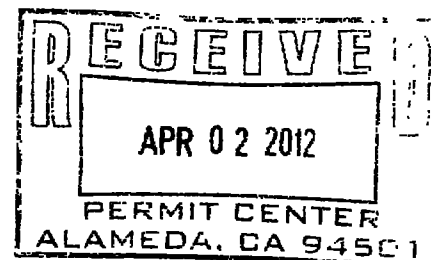
CITY OF ALAMEDA  
Community Development Department  
2263 Santa Clara Avenue, Room 190

**NOTICE OF INTENT TO ABANDON OR TO  
DISCONTINUE RAIL SERVICE**

1. Notice of Intent to Abandon or to Discontinue Rail Service. City of Alameda d/b/a Alameda Belt Line gives notice that on or about April 27, 2012, intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting the abandonment of service on a 2.61 mile line of railroad between railroad milepost 0, near the intersection of Clement Avenue and Broadway, and railroad milepost 2.61 near Constitution Way, all in the City of Alameda, and all of which traverses through United States Postal Service ZIP Code 94501 in Alameda County, CA. The proceeding has been docketed as No. AB 1080X. The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, DC 20423 or by calling OEA at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Chief, Section of Administration, 395 E Street SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Charles H. Montango, Law Offices of Charles H. Montango, 426 NW 162nd St., Seattle, WA 98177. You may also telephone Lori Taylor, the Community Development Director for the City of Alameda, at 510-747-6899, if you have questions.

BY/A/PM/MC 4383129 Mar. 30, 2012



**El Cerrito Journal**

Alameda, City of  
Building & Planning, 2263 Santa Clara Ave., Rm 190  
Alameda CA 94501

**PROOF OF PUBLICATION**

**FILE NO. Abandon Rail Srvc**

In the matter of

**El Cerrito Journal**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter

I am the Principal Legal Clerk of the El Cerrito Journal, a newspaper of general circulation in the Town of El Cerrito, City of Richmond, County of Contra Costa, State of California.

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of December 31, 1987 Case Number 308046

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

**3/30/2012**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California

Signature

Legal No.

**0004383129**

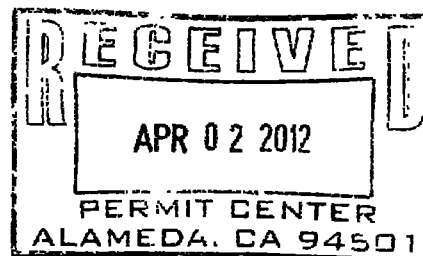
CITY OF ALAMEDA  
Community Development Department  
2263 Santa Clara Avenue, Room 190

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Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Chief, Section of Administration, 395 E Street SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Charles H. Montagne, Law Offices of Charles H. Montagne, 426 NW 162nd St., Seattle, WA 98177. You may also telephone Lori Taylor, the Community Development Director for the City of Alameda, at 510-747-6893, if you have questions.

**BY: J/PA/MC 4383129 Mar. 26, 2012**



## Exhibit E

### E-1 Certification of Compliance with ER/HR Notice Requirements, Copy of ER/HR and Comments Thereto to Date

#### E-1

#### Certification of Compliance with Notice Requirements in 49 C.F.R. 1105.7, 1105.8(c), 1105.11

I, Andrew Thomas, Planning Services Manager for City of Alameda, hereby certify that the requirements of 49 C.F.R. 1105.7 (service of ER at least 20 days prior to filing notice of exemption with STB), 1105.8(c) (service of HR on SHPO if possible 60 and at least 20 days prior to filing notice of exemption with STB), and 1105.11 (certification that distribution requirement with STB form letter for the foregoing), have been met. I also certify that any requirement for consultation on Coastal Zone Management concerns in 1105.9(a)(2) has been met (40 day notice prior to certain actions). I met with staff from the San Francisco Bay Conservation and Development Commission (BCDC) at their offices on November 28, 2011 to discuss the proposed action. Since that time I have communicated by email and telephone with BCDC staff on several occasions regarding the proposed action.



Andrew Thomas  
Planning Services Manager

State of California)  
County of Alameda)

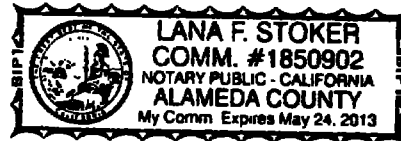
On April 23, 2012 before me, Lana F Stoker, a Notary Public,  
(date)  
personally appeared Andrew Thomas, who  
(signers)

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Lana F Stoker (Seal)



## BEFORE THE SURFACE TRANSPORTATION BOARD

CITY OF ALAMEDA d/b/a )  
ALAMEDA BELT LINE – )  
ABANDONMENT EXEMPTION – ) AB 1090X  
IN CITY OF ALAMEDA, CA )

### ENVIRONMENTAL REPORT/HISTORIC REPORT

The City of Alameda d/b/a Alameda Belt Line (“ABL”) makes this environmental and historic report in compliance with 49 C.F.R. 1105.7-.8 of the regulations of the Surface Transportation Board (“STB”) in support of a notice of exemption for abandonment pursuant to 49 C.F.R. 1152.50 for a line of railroad extending from MP 0.0 (a point approximately 180 feet east of the intersection of Clement Avenue and Broadway in Alameda, CA) and MP 2.61 (a point approximately at the intersection with Constitution Way, but in all events equal to the endpoint of the 1975 ABL abandonment relating to MP 2.61 to MP 3.44), a distance of approximately 2.61 miles.

The certification of service required pursuant to section 1105.7(c) is attached as Appendix A.

#### Environmental Report

(1) Proposed action. Applicant proposes to obtain authorization to abandon the line described above. There are no reasonable alternatives. A map delineating the project area is attached as Appendix B.

(2) Transportation System. No local or overhead traffic has moved over the line for over two years. The prior owners of ABL (BNSF and UP) caused a switch connecting ABL to the UP mainline to be removed some years ago. Because the line has not been used for some time, there

will be no diversion of freight or passenger traffic to other modes.

(3) Land use. (I) (Local plans) Based on consultation with local and regional planning officials, and review of official planning documents, the proposed action is consistent with the existing land use plans of the City of Alameda, in which the line is located in its entirety. See Appendix C.

(ii) (Agricultural land) The proposed action will not have any impact on prime agricultural land as the line is all within an urban and urbanized area (the City of Alameda).

(iii) (Coastal Zone Management Act) The proposed action will not result in any changes to the existing physical conditions in the area or to lands within the Coastal Zone. Future improvements to remove or replace tracks on lands within 100 feet of the Inner Harbor shorelines subsequent to abandonment will require review and approval by the Bay Conservation and Development Commission (BCDC) to ensure that any future improvement within 100 feet of the shoreline is consistent with the public shore line access goals and objectives of the San Francisco Bay Plan and the Coastal Zone Management Act. The applicant is committed to obtaining BCDC approval for all permits that are duly required pursuant to the CZMA. As a result, in applicant's judgment, the proposed action will not affect land or water uses within a State Coastal zone designated pursuant to the Coastal Zone Management Act.

(iv) (Alternative public use) Portions of the rail line are in city streets or street rights of way, and the streets are used and useful for non-rail transportation. Other portions of the rail line may be suitable for park or trail uses. City currently plans to railbank the bulk of the line in question (in particular, the portion from MP 0 to approximately MP 1.85, at the eastern edge of the old railyard) pursuant to 16 U.S.C. 1247(d) and to retain the right of way intact for future rail

purposes, and for compatible interim uses, including trail use. In addition, City owns the fee interest in the portions of the rail line in city streets or in the former railyard. Since the property comprising the line will be preserved as necessary for future rail reactivation and can be employed in the interim for street, trail and park uses, the action is consistent with alternative public use.

- (4) Energy. (I) The proposed action will not impact transportation of energy resources.
- (ii) The proposed action will not impact transportation of recyclable commodities.
- (iii) The proposed action will have no significant impact on energy efficiency.
- (iv) The proposed action will not result in the diversion of rail to motor carriage of any traffic.

(5) Air. (I) Inapplicable. The proposed action will not result in increases in rail or railyard traffic.

(ii - iii) Inapplicable for similar reasons.

(6) Noise. Inapplicable.

- (7) Safety. (I) (Public health and safety) Applicant expects no adverse impact on safety.
- (ii) (Hazardous material transport) Inapplicable.
- (iii) (Hazardous waste sites or spills) Applicant's knowledge of waste sites or spills is limited to that set forth in the Phase I Environmental Site Assessment by Belinda Blackie, PE, R.E.A., March 8, 2010, which may be reviewed on the City of Alameda web site on the Community Development page, at the following web address:

<http://www.cityofalamedaca.gov/getdoc.cfm?id=7471> .

None will be adversely impacted by the proposed action.

- (8) Biological resources. (I) The proposed action will not likely adversely affect endangered

or threatened species or areas designated as critical habitat.

(ii) No wildlife sanctuaries or refuges, national or state parks or forests will be affected.

(9) Water. (I) The action is consistent with applicable federal, state and local water quality standards.

(ii) Since the proposed action will not entail any construction resulting in any off-railroad bed disturbance, no section 404 permits should be required, and no designated wetlands or 100 year flood-plains will be affected.

(iii) For similar reasons, no section 402 permits should be required.

(10) Proposed mitigation. Applicant anticipates no adverse environmental impacts to mitigate from this action.

#### Historic Report

In compliance with section 1105.8(d), Applicant states as follows:

(1) Map. A map is attached as Appendix B.

(2) Description of rail line. The railroad line in question in part runs in city streets pursuant to a franchise. Outside of city streets, the line is of variable width, and includes a rail yard of approximately 18 acres in size. The former owners removed most of the rail from the yard, as well as switches connecting the line to the UP system. The line commences at MP 0.0 (a point approximately 180 feet east of the intersection of Clement Avenue and Broadway in Alameda, CA) and MP 2.61 (a point approximately at the intersection with Constitution Way, but in all events equal to the endpoint of the 1975 ABL abandonment relating to MP 2.61 to MP 3.44), a distance of approximately 2.61 miles. The line lies entirely within an urbanized setting (City of Alameda), and is surrounded by commercial and residential uses.

(3) Photographs of railroad structures 50 years old or older. The only railroad structure remaining on the premises (but not at its original location) which may be 50 or more years old is an old wood frame building at the rail yard. Photos are attached to Appendix D (consultation with CA SHPO). To Applicant's knowledge, the building was used by railyard workers, but was not a depot or station. To Applicant's knowledge, the building has no historic significance. All other structures either burned down or were removed by the prior owner.

(4) Data concerning such structures. See (3) above.

(5) Brief narrative history. Commencing in 1918, the City of Alameda constructed some 6,364.5 feet of track, basically along Clement Avenue from a point near its intersection with Broadway, westerly to Grand Street. The city-owned facility was originally operated by Southern Pacific, which also had trackage in Alameda. The Alameda Belt Line, jointly owned by Atchison, Topeka and Santa Fe and Western Pacific, was created for the sole purpose of owning and operating the Belt Line. The City sold its line to the ABL in 1925. See Acquisition and Construction of Line by Alameda Belt Line, 105 ICC 349 (1926). ABL subsequently extended the line to a length of 3.44 miles. ABL received authority to abandon 0.83 miles (MP 2.61 to MP 3.44) in 1975. Due to mergers, ABL was eventually jointly owned and operated by BNSF and Union Pacific. ABL last operated in 1998, when its last major shipper, a Del Monte cannery, closed. The Union Pacific then provided service for all remaining customers on the line through trackage rights over MP 0 to MP 1.8. See Union Pacific Railroad Company – Trackage Rights Exemption – Alameda Belt Line, F.D. 33682, served Nov. 24, 1998. In the latter part of 2001, the last customer ceased use of the line, and the then owners of Alameda Belt Line removed the

switch near Clement and Broadway to Union Pacific trackage at that location. Trackage was also evidently removed from the rail yard, and the owners offered the property for sale. The City of Alameda, taking note of the apparent de facto abandonment and also taking note of its option to repurchase in the original contract of sale of its line to Alameda Belt Line, duly notified the then-owners of Alameda Belt Line of City's intent to re-acquire the line. Litigation in state court then ensued, during the course of which the City obtained authority from STB to re-acquire the line. See City of Alameda – Acquisition Exemption – Alameda Beltline Railroad, F.D. 34798, served April 3, 2006. STB authorized discontinuance of the Union Pacific trackage rights over the ABL in Union Pacific Railroad Company – Discontinuance of Trackage Rights Exemption – in Alameda County, CA, AB 33 (Sub-no. 291X), served April 8, 2010. The City closed its repurchase of the line on March 23, 2010. The prior owners had allowed the line to deteriorate, and had removed switches and facilities to the point that the line could not be operated. The City retained a consulting firm (RL Banks) to assist it in evaluating rehabilitation costs, operational requirements and costs, and rail demand, for the purpose of identifying options for proceeding. The consultant's reports indicated that freight use was not self-sustaining at this time and that current prospective business was insufficient to justify the investment now necessary to restore the line to use, or to operate it if restored. The City as Applicant accordingly has elected to seek an abandonment authorization in order lawfully to terminate common carrier obligations on the line. The City intends to railbank (16 USC 1247(d)) the line from MP 0 to MP 1.85 (eastern edge of old railyard) among other things to ensure its availability for future rail reactivation.

(6) Documents available concerning historic structures. Applicant does not believe there are historic structures on the line and in any event has no documents concerning any structures on the

line.

(7) Opinion on historic sites. Applicant does not believe that any site or structure on this line meets the criteria for listing in the National Register of Historic Places. On January 20, 2012, the applicant received notification that the California Office of Historic Preservation concurred that the proposed action would not affect any historic properties. The letter of concurrence is attached as Appendix E.

(8) Activity which might affect recovery of archeological resources and description of surrounding terrain. Other than original roadbed and road construction, and construction activity by adjoining landowners in an urbanized setting, Applicant is unaware of conditions which will affect the recovery of archeological resources. The surrounding terrain is flat, but with many paved surfaces.

Copies of any correspondence received to date of submission concerning this ER/HR not otherwise referenced in this document are attached in Appendix F

Submitted by: City of Alameda d/b/a Alameda Belt Line

Appendix A: Certificate of Service for ER/HR

Appendix B: Map

Appendix C: Discussion of Local Plans

Appendix D: Consultation with CA SHPO (including photos of remaining structure)

Appendix E: January 20, 2012 Letter from Office of Historic Preservation

Appendix F: Other correspondence (if any) to date of submission



## Certificate of Service

By my signature below, I certify service of this Environmental Report on all parties specified in 49 CFR 1105.7b as set forth in the attached list by US Mail, postage prepaid, first class or equivalent, this 19th day of March, 2012.

California Office of Planning & Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, CA 95812-3044

California EPA  
1001 I Street  
P.O. Box 2815  
Sacramento, CA 95812-2815

San Francisco Bay Conservation and Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111

Hon. Nate Miley,  
President Alameda County Board of Supervisors  
1221 Oak St. # 536  
Oakland, CA 94612

US EPA - Region 9  
Att: Regulatory Review Office, CED-2 (Kathleen Goforth)  
75 Hawthorne St.  
San Francisco, CA 94105

US Fish and Wildlife Service-Region 1  
Eastside Federal Complex  
911 NE 11<sup>th</sup> Ave.  
Portland, OR 97232-4181

US Fish and Wildlife Service-Region 8  
2800 Cottage Way, W-2606  
Sacramento, CA 95825

# Appendix A

National Park Service - Pacific West Region  
Christine Lehnertz-Regional Director  
333 Bush Street, Suite 500  
San Francisco, CA 94104-2828

Lincoln E. Burton, State Conservationist  
Richard E. Lyng USDA Service Center  
Natural Resources Conservation Service  
430 G Street, #4164  
Davis, CA 95616-4164

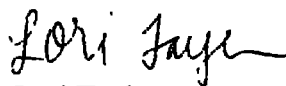
Communication and Outreach Branch, NOAA,N/NGS12  
National Geodetic Survey SSMC3 #9202  
1315 East-West Hwy  
Silver Spring, MD 20910-3282

California Office of Historic Preservation  
Att: Review and Compliance  
1725-23d St., Suite 100  
Sacramento, CA 95816

Susan Muranishi  
County Administrator  
Alameda County  
1221 Oak St, Room 555  
Oakland, CA 94612

U.S. Army Corps of Engineers  
South Pacific Division  
Att: Counsel's Office  
1455 Market St.  
San Francisco, CA 94103-1398

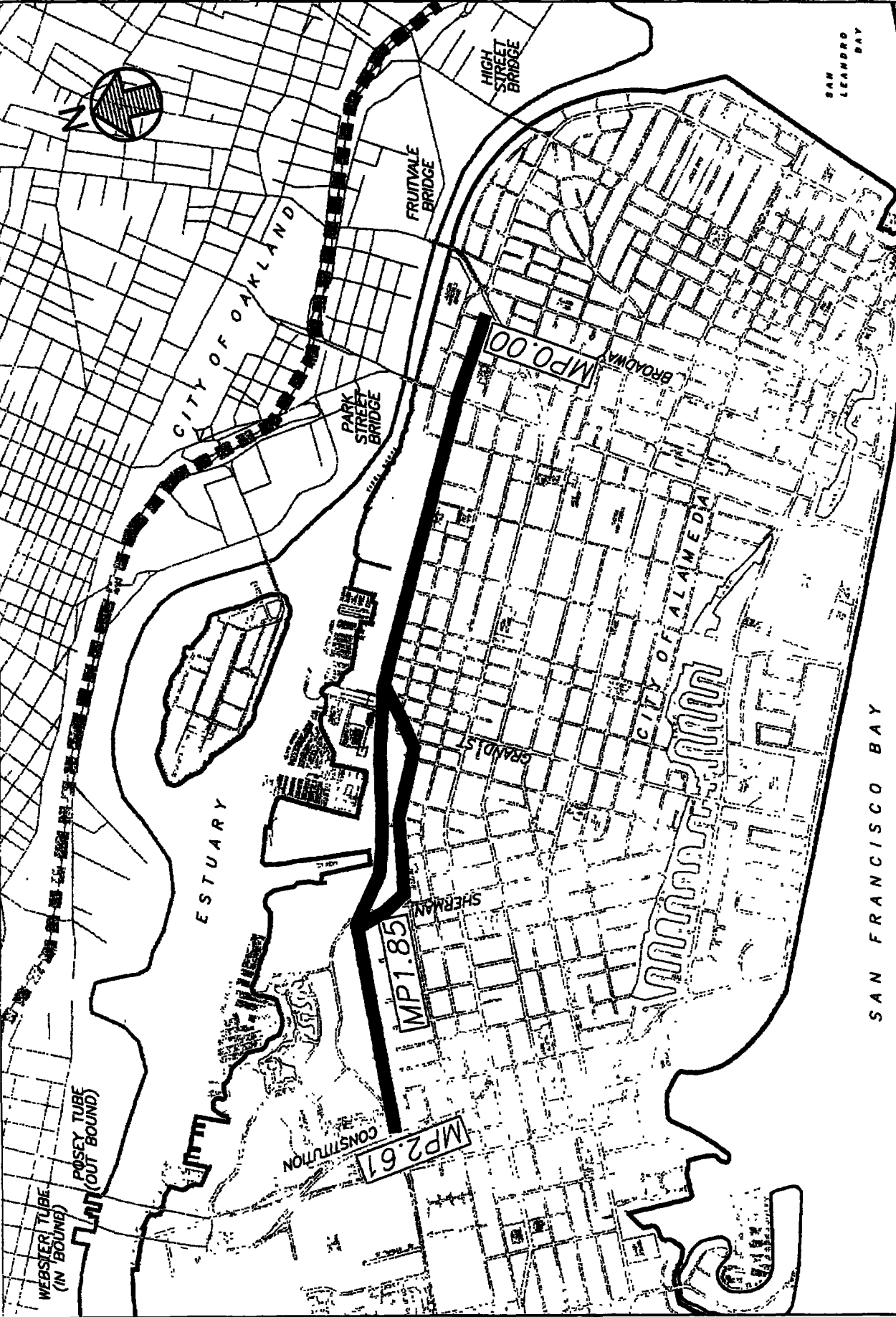
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102



Lori Taylor  
Community Development Director  
City of Alameda

ALAMEDA BELTLINE RAILROAD, M.P. 0.00 TO 2.61  
CITY OF ALAMEDA, CA

DATE: MAY 1911
SCALE: 1"=1000'

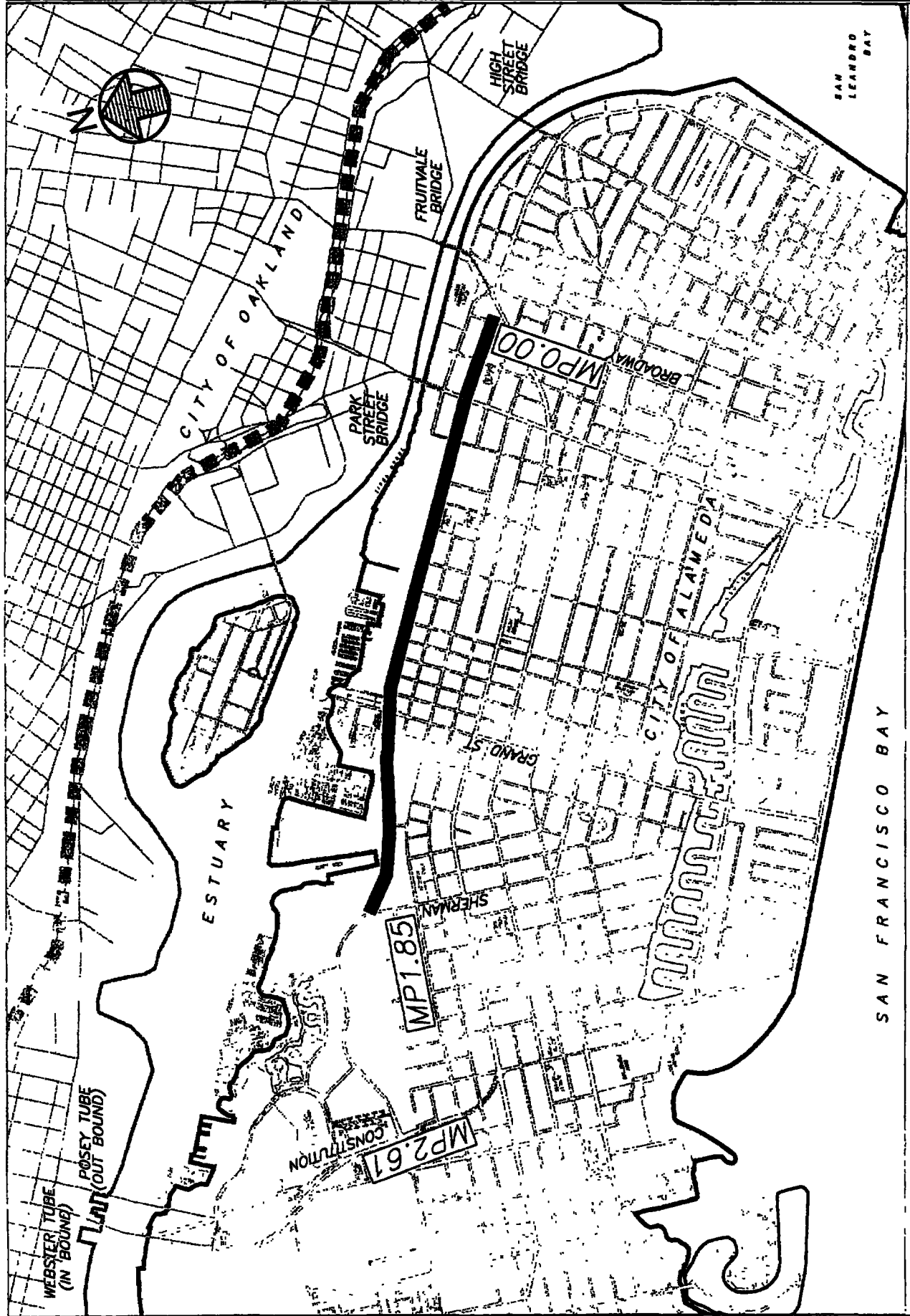


LEGEND

- PROPOSED ABANDONMENT  
MILE POST 0.00 TO 2.61
- PRINCIPAL HIGHWAYS

# ALAMEDA BELTLINE RAILROAD, M.P. 0.00 TO 2.61 CITY OF ALAMEDA, CA

DATE: MAY 2011  
SCALE: 1"=500'



## LEGEND

TRACKAGE TO BE RAILBANKED  
MILE POST 0.00 to 1.85

PRINCIPAL HIGHWAYS

# Appendix C

## **Review of Relevant Planning Documents Germane to ABL Railroad Right of Way**

by: Andrew Thomas, AICP  
Planning Services Manager  
Planning and Building Dept., City of Alameda

### **Summary:**

City of Alameda has substantially revised its planning documents since 2008. However, the City's General Plan continues to support preservation of the ABL railroad corridor, specifically the "Clement Avenue" Alignment, for cross-Alameda transportation services, including rail. This Alignment is identified in the General Plan as an "Exclusive Transit Right of Way" on Clement Street and extending westerly. The designation of the Alignment as an exclusive transit corridor is manifest in the Map (attached). The most relevant written policies from the various Elements of the revised General Plan are set forth below, and call for preservation of a public right of way for rail and other compatible purposes on the Alignment. The City proposes to terminate current common carrier obligations and to "railbank" (preserve for future rail use and permit trail and other compatible public uses) the "Clement Avenue" Alignment. This proposal is consistent with the relevant planning documents.

### **General Plan Policies:**

#### Chapter 10: Northern Waterfront

- 10.6.a. Extend Clement Avenue through the Northern Waterfront from Grand Street to Sherman to facilitate the movement of trucks, transit and/or rail, bicycles, and pedestrians.
- 10.6.b. Maintain a public right of way for a future rail/transit corridor along Clement Avenue from Grand Street to Sherman Street as part of a citywide transit corridor.
- D-M 1. The site plan should allow for a future rail/alternative vehicle corridor from Sherman to Grand Street within the Clement Avenue Right of Way.

#### Citywide Transportation Element

- 4.1.1.g Work with appropriate regional agencies to identify the feasibility of developing presently unavailable alternative modes such as citywide and regional light rail, expanded ferry options and Bus Rapid Transit.
- 4.1.7.d Develop strategies to preserve and identify required rights-of-way.
  - 1. Pursue opportunities to utilize the corridor of the former Alameda Belt Line railroad for transit, bicycle, and pedestrian transportation.

# Appendix C



# Appendix C

## Explanation of “Exclusive Right of Way” from Transportation Element (adopted 2008)

### Exclusive Transit Right of Way:

Identify future dedicated right of way routes for bus rapid transit or light rail service. Possible candidates include Lincoln Avenue which is a centrally located Island Arterial with numerous residential areas surrounding. Connects to main commercial areas on Webster Street and Park Street.

- **Bus Rapid Transit or Light Rail**
  - o High capacity, frequent transit service for intra-city and regional transportation
- **Lane widths and curb returns**
  - o Wider lane widths or wider curb lanes to minimize conflicts with bicyclists
  - o Wider radii, and lane widths or wider curb lanes to accommodate transit vehicles
- **Bus bulb-outs**
  - o Improve transit operations
  - o Clearly designate bus stop location
- **Enhanced bus stops/stations**
  - o Raised platform for level boarding
  - o Platform length shelters and seating areas
  - o Off-vehicle fare payment
  - o Clearly designate transit corridor / transit way
  - o Improve transit service experience and encourage transit use
- **Passenger information**
  - o Provide up-to-date schedule and routing information
  - o Provide surrounding neighborhood map
  - o Provide real-time bus arrival information as available
  - o Enhance transit service experience
  - o Encourage transit use
- **Signal priority/pre-emption, right-of-way priority**
  - o Improve transit operations
  - o Useful for longer, congested corridors and frequent service areas
- **Pedestrian amenities**
  - o Wide sidewalks
  - o Curb extensions
  - o Crosswalk paving, markings
  - o Landscaped sidewalk buffer
  - o Equal priority as Primary Transit Streets
  - o Connectivity to other modes, adjacent neighborhoods and destinations



## City of Alameda • California

November 23, 2011

Mr. Milford Wayne Donaldson  
California Department of Parks and Recreation  
Office of Historic Preservation  
1725 23<sup>rd</sup> Street,  
Sacramento, California 95816

Subject: Alameda Belt Line Rail Abandonment Application

Dear Mr. Donaldson:

The Alameda Beltline Railroad ended active operations in Alameda in approximately 1998 but has never been authorized for abandonment by the relevant federal regulatory agency (the Surface Transportation Board or "STB"). City of Alameda acquired the inactive Alameda Beltline Railroad approximately two years ago pursuant to a contract option applicable should the former owner determine to cease use of it. After carefully evaluating the cost of rehabilitating and operating the railroad for active rail freight rail service and the likely demand for such service within Alameda, the City has concluded that income from operation would not even cover operational expenses at this time and that restoration is accordingly not prudent, especially given current economic conditions. In order to address the continuing federal freight rail common carrier obligation on the line, we plan to seek a so-called "exempt" abandonment authorization from STB for the entire remaining portion of the rail line, defined as extending from a point approximately 180 feet east of the intersection of Clement Avenue and Broadway (MP 0) to end of track at approximately Constitution Avenue (MP 2.61) in Alameda. Union Pacific, which had "trackage rights" over the bulk of the corridor, recently received discontinuance authority from STB for those trackage rights.

Because an "exempt" abandonment authorization from the STB amounts to a licensing action by the federal government, STB must comply with section 106 of the National Historic Preservation Act. In this regard, STB regulations require us to prepare a "Historic Report," for which we invite your comment and advice, and which we will circulate to you for further comment when it has been prepared pursuant to STB regulations. We are also requesting your concurrence with our findings that the undertaking will have no effect on historic resources.

Site Description:

As shown in the exhibits, the abandonment area includes the following three sub areas:

*Sheet 1 of 3:* In this area, the abandonment runs down the center of an existing City street (Clement Avenue) from Broadway to Grand Street. The rails are still in the middle of the street in some areas, but in others they were removed. The City has no plans or resources to remove them at this time.

*Sheet 2 of 3:* In this area from Grand to Sherman, the line splits between Minturn and Grand and then reforms at the entrance to the former rail yard. (The rail yard is the large 18 acre area shown on pages 2 and 3.) Throughout this area, some of the tracks have been removed by the prior owner of the railroad, and in some cases the prior owner of the railroad sold off pieces of the underlying right of way, such as the section on Buena Vista between Hibbard and Stanton.

*Sheet 2 and 3 (the former Rail Yard):* The former rail yard is a large 18-acre vacant lot. The former owner of the railroad removed most of the trackage and associated improvements. The single remaining structure (at 1925 Sherman Street) is discussed in the Historic Resources Inventory section below.

#### Description of Undertaking:

The City is requesting an exempt abandonment authorization of the line by the STB, pursuant to 49 C.F.R. 1152.50 (two-year out of service exempt abandonments). The City, however, anticipates "railbanking" the bulk of the line pursuant to 16 U.S.C. 1247(d) to preserve it for future rail and interim trail purposes, and for other compatible public purposes. As we understand railbanking, this will prevent the portions of the line in question from being interrupted by sales, easement extinctions, or other severances. In the event STB authorizes abandonment, the City currently anticipates development of interim improvements to the right of way for a "Cross Alameda Trail" which would provide safe and convenient access for bicyclists and pedestrians across our island community.

#### Historic Resources Inventory:

In 1988, prior to the end of rail operations, the City of Alameda completed an Historic Resources Inventory of the Alameda Belt Line Railway. The Inventory is attached for your information as exhibit B. The inventory concludes that the Railroad should be considered a resource, which may have historical importance because of its role in the "economic/industrial" history of the City of Alameda.

Not surprisingly, some of the facts in the 1988 inventory are now out of date. Between 1988 and 1998, the Alameda Belt Line Railroad slowly began to reduce its operations in Alameda. During this period, much of the trackage (rails) shown in the 1988 inventory was removed and almost all of the associated facilities were either removed or destroyed by the railroad. However, one structure shown in the 1988 Inventory at 1925 Sherman continues to exist on the site. Exhibit 3 includes a number of recent photographs of the building.

Rather than suffer ABL's owners (UP and BNSF) efforts to fragment the line piecemeal, the City after prolonged litigation was allowed to exercise a contract option to acquire what remained of the ABL, closing on that acquisition in 2010. Shortly thereafter, UP abandoned trackage rights over the line. Faced with studies showing high rehabilitation costs and insufficient rail demand, the City now intends to pursue an STB abandonment authorization.

Findings and Determination:

We find that the proposed undertaking will have no effect on the historic resources in the area. Our findings are based upon the following conclusions:

- Abandonment will allow the City to preserve the rail and existing facilities for future rail use and for compatible uses (such as bicycle and pedestrian trails) in the interim.
- The City of Alameda is a Certified Local Government with a long history and deep commitment to historic preservation. As an identified historic resource in the City of Alameda, the Railway and the remaining associated structures will fall under the purview of the City of Alameda Historic Advisory Board and Alameda Municipal Code Section 21-18 Preservation of Historic Resources.

Request:

At this time we are requesting your concurrence with our finding and determination of no effect. We would appreciate a response by January both to allow an opportunity for further consultation if necessary and for incorporation of the SHPO response into the Historic Report we will circulate and also file with the STB later that month.

If you have any questions, or would like any more information, please do not hesitate to contact Andrew Thomas, Planning Services Manager at 510-747-6881 at any time.

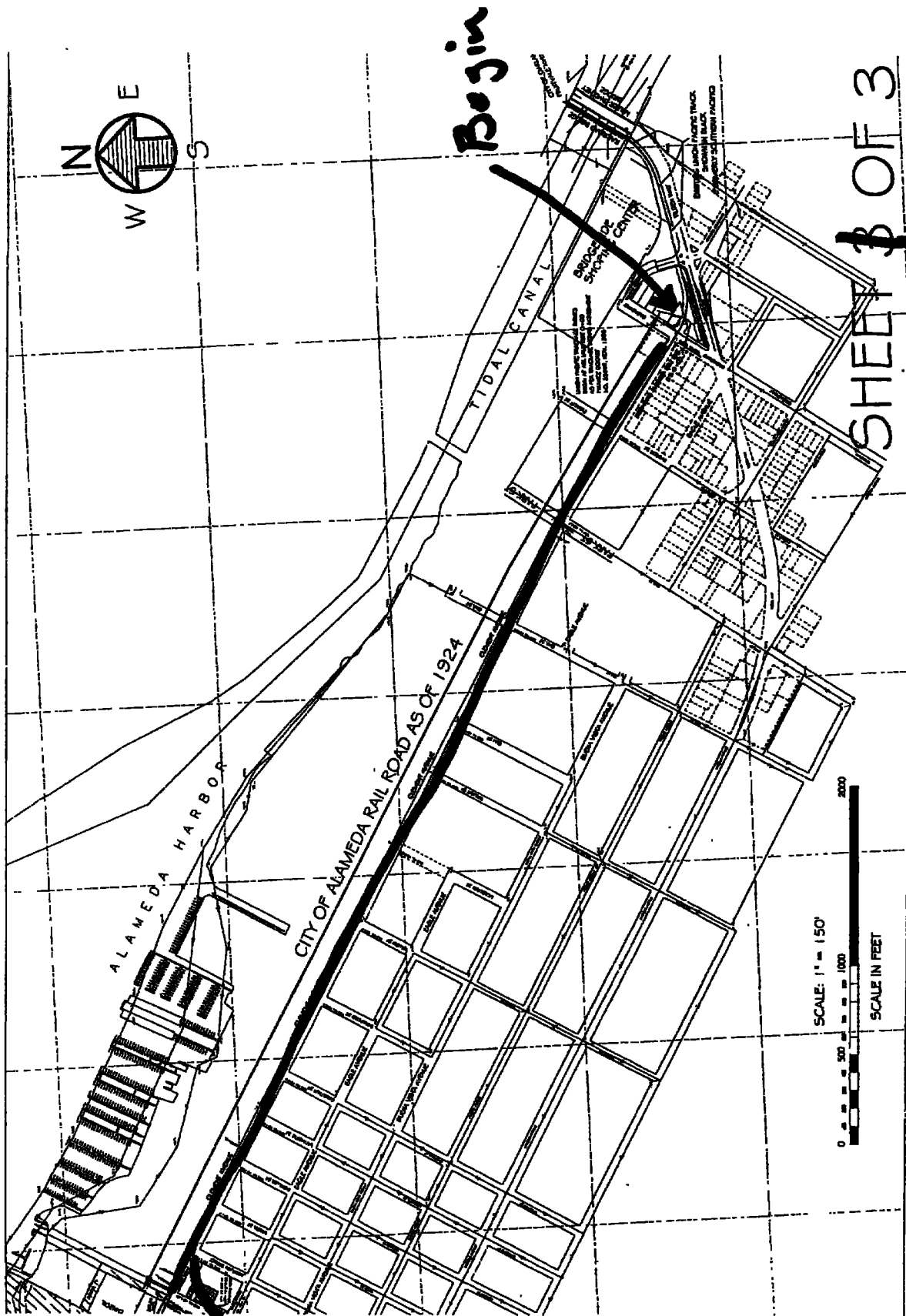
Sincerely,



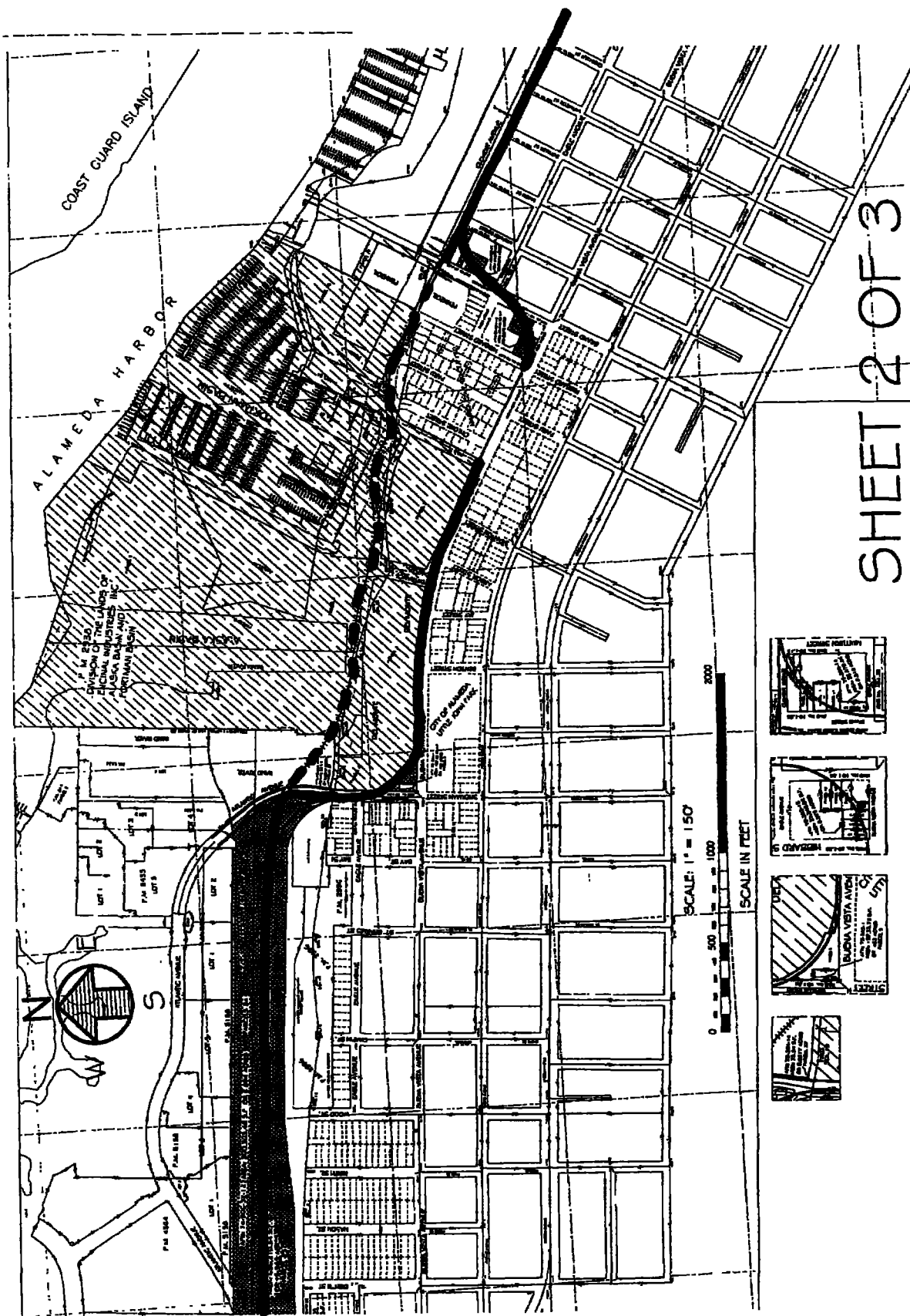
Lori Taylor  
Community Development Director

Exhibits:

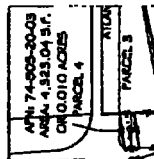
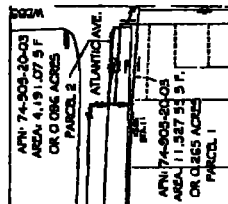
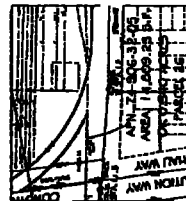
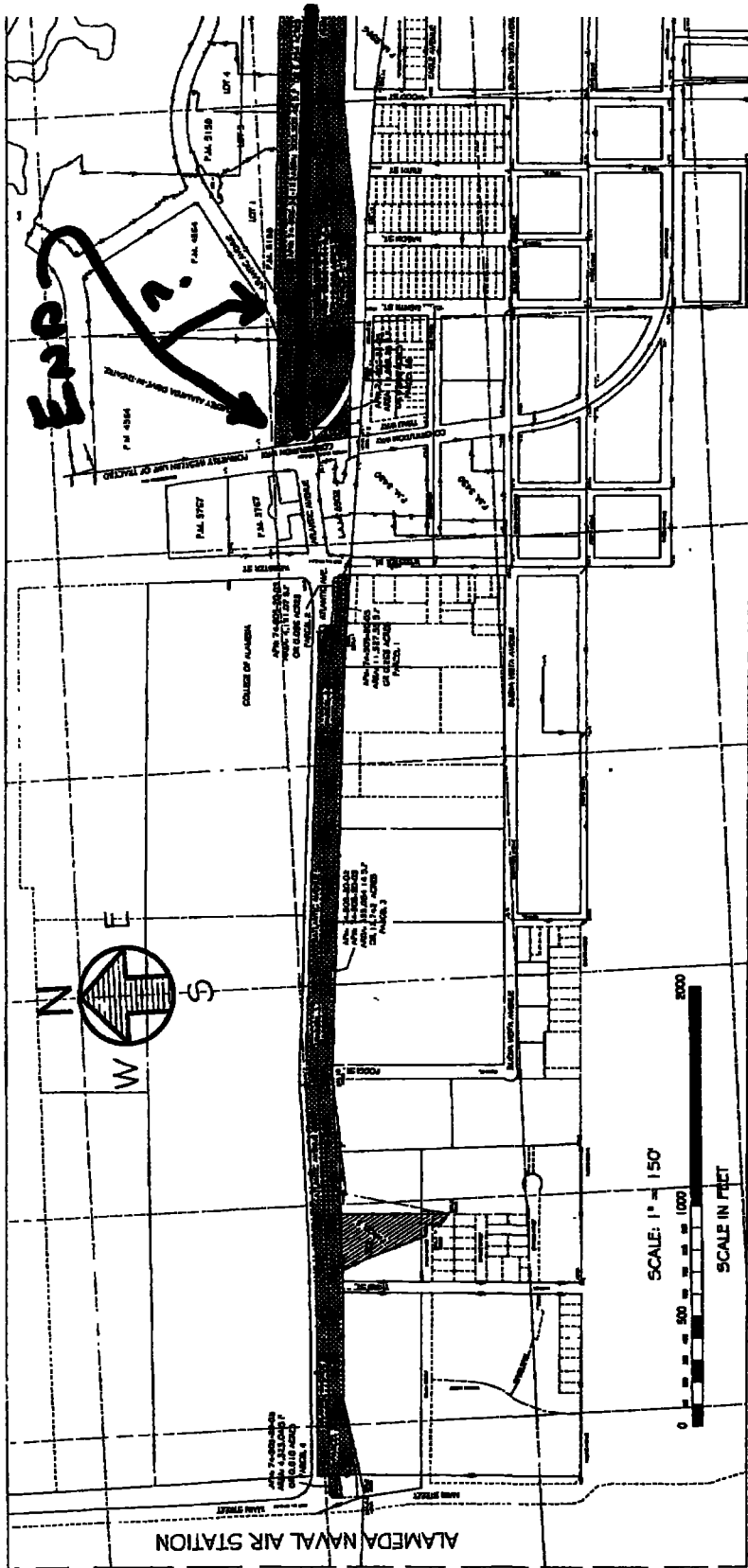
1. Maps
2. Historic Resources Inventory
3. Recent Photographs of 1925 Sherman St.



**— Abandon**



----- Rail bank + Future Rail Alignment  
 \_\_\_\_\_ Abandon



- ABL PARCELS
- ABL TRACK
- A. U. SCHOOL DISTRICT
- ALASKA PACKERS

SHEET 3 OF 3

— Abandon

HISTORIC RESOURCES INVENTORY

Ser. No. 4501 —  
HABS HAER Loc S SHL No. NR Status 5D  
UTM: A 10/567780/4181730 C 10/564080/418016  
B 10/567780/4180160 D 10/564080/4181730

IDENTIFICATION

1. Common name: Alameda Belt Line Railway
2. Historic name: Alameda Belt Line Railway
3. Street or rural address: 1925 Sherman Street  
City Alameda Zip 94501 County Alameda
4. Parcel number: Multiple - See Continuation Sheet #1
5. Present Owner: Multiple - See Continuation Sheet #1 Address: \_\_\_\_\_  
City \_\_\_\_\_ Zip \_\_\_\_\_ Ownership is: Public ☒ Private ☒
6. Present Use: Railroad Original use: Railroad

DESCRIPTION

- 7a. Architectural style: Railroad
- 7b. Briefly describe the present *physical appearance* of the site or structure and describe any major alterations from its original condition:

CONTINUATION SHEET #2

Attach Photo Envelope Here

Photos next page

Exhibit 2

8. Construction date: 1918-1927  
Estimated \_\_\_\_\_ Factual \_\_\_\_\_
9. Architect None
10. Builder 1918: A.J. Grier  
1927: unknown
11. Approx. property size (in feet)  
Frontage \_\_\_\_\_ Depth \_\_\_\_\_  
or approx. acreage \_\_\_\_\_  
IRREG: 2 miles long.
12. Date(s) of enclosed photograph(s)  
February, June 1988

CONTINUATION SHEET #1

#4 Parcel Numbers:

072-0292-014  
072-0323-012  
072-0326-004  
072-0364-014  
074-0906-027  
074-0906-032-004  
074-0906-032-006

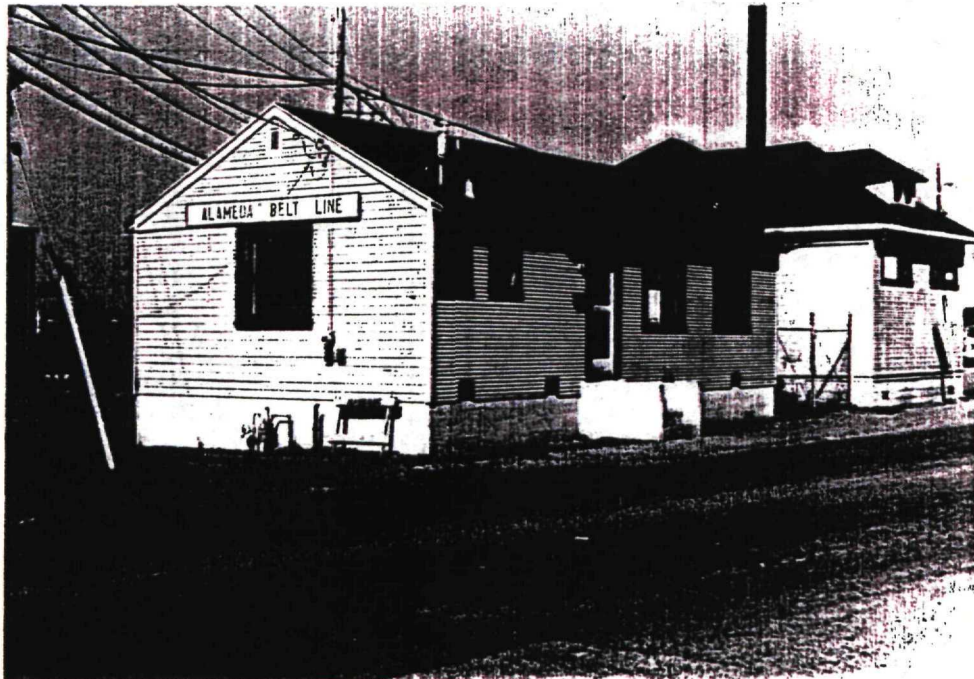
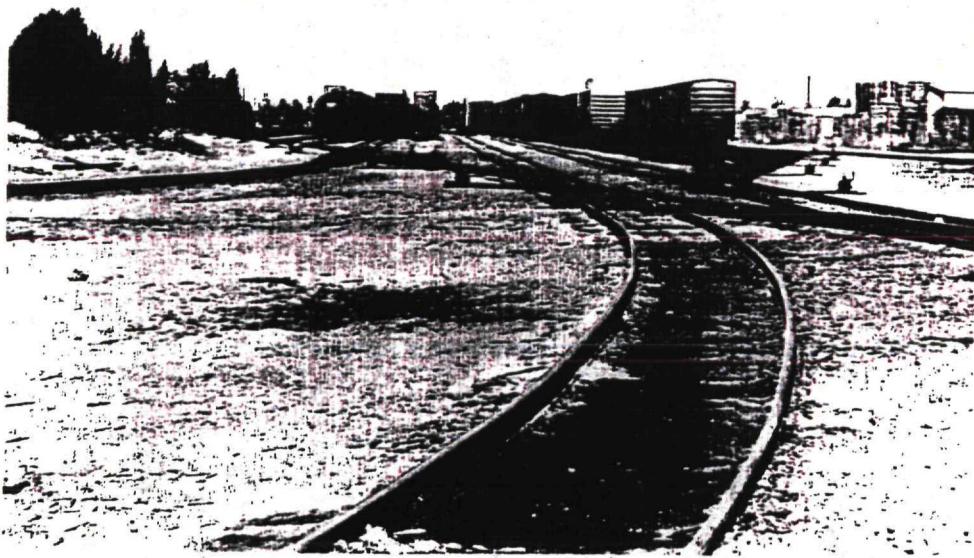
#5 Present Owners:

The Alameda Belt Line tracks cross land in 3 categories:

- 1) Public City of Alameda right of way, mostly on Clement Avenue from Tilden Way to Hibbard Street;
- 2) company owned land between Hibbard and Constitution Way, listed by parcel in item number 4, above, and
- 3) land owned by others, mostly customers on whose land spur tracks are laid. Owners of land in the latter case are not listed here, the reason being that the tracks are still owned by the Alameda Belt Line. In a National Register nomination the parcels crossed by these tracks may also have to be listed. They are of equal importance with the main line tracks to the whole system.

The Alameda Belt Line itself is owned jointly by the Santa Fe and the Union Pacific Railroads (Union Pacific bought out Western Pacific) and is administered by the Santa Fe Railroad at the following address:

One Santa Fe Plaza  
5200 East Sheila Street  
Los Angeles, CA 90040



CONTINUATION SHEET #2

#7b. Description

The Alameda Belt Line Railway runs about two miles in an east-west direction across the northern, industrial edge of Alameda. Today it runs from the Southern Pacific line on Tilden Way about 90 feet east of Broadway to its yards just east of Constitution Way. The route of the main line (called the "main lead" by the company) is via Clement Avenue, Grand Street, Buena Vista, and Sherman where it branches west to the yard and north to the old ferry slip. At Grand a major network of spurs proceeds in the westerly direction of Clement while the main line dips south; this network rejoins the main line at Sherman. Other spurs branch off along the length of the route. Altogether, including main lines, spurs and yards, the line consists of about 10 miles. These lie on public right of way, on land owned by the Belt Line in the case of the main line, and on land owned by others in the case of spurs.

Since the engine house burned about 1980 the Belt Line has had one principal building, the Yard House at 1925 Sherman Street. the Yard House is a rambling wooden structure in three parts: an old house (ca. 1910) on the north, linked to an equal sized block on the south (ca. 1925) by a connecting building. All three are unified visually by asbestos-shingled gabled roofs, narrow horizontal banded siding, and a uniform coat of paint. The old house has a hip roof with a hip-roofed gable and a ventilated wooden foundation cladding. The connecting wing and southern block have reinforced concrete foundation walls and gabled roofs of different pitches. The three wings were built at different times, the southern block between 1932 and 1948. The other two wings may have been moved to the site. Behind the Yard House are two small wooden equipment sheds.

CONTINUATION SHEET #3

#19. Significance

The Alameda Belt Line Railway, initially also known as the Industrial Railway or the Municipal Railway, was built in 1918 by the City of Alameda following years of discussion and the prompting of the United States Shipping Board. The City was eager to more fully open up the northern waterfront to industrial development and the Shipping Board was concerned about utilizing the waterfront as the county entered the First World War. The first phase of the railway was approved, from Broadway to the Alaska Packer's Association property on Grand Street along Clement Avenue together with an "industrial highway," a widened Clement Avenue, in February 1918. Ground was broken April 22, 1918 and the job was finished May 28, 1918 at a cost of \$27,001. The principal contractor was A.J. Grier. The City Manager, C.E. Hewes, took an active role in promoting and building the railway. Although initially it was to be operated by the City's Board of Public Utilities, it was operated from the beginning by Southern Pacific.

In January 1925, the City proposed to extend the Belt Line west of Grand Street to Encinal Terminals and other proposed developments. The City did not have money for the project and proposed to sell the existing tracks and the right to extend them to Southern Pacific, already operating in Alameda along Lincoln Avenue, and the Western Pacific and Santa Fe Railroads, not yet operating in Alameda. Such an arrangement would link Alameda to three major railroads and all the markets they served. Southern Pacific refused to enter the venture and fought it in court to preserve its monopoly on freight traffic in Alameda. Southern Pacific lost and Western Pacific and Santa Fe bought the existing trackage from the City for \$30,000 and formally named the railroad the Alameda Belt Line. They issued \$500,000 in common capital stock to finance the project including the acquisition of land and construction. The Alameda Belt Line was to be run with five directors, two from each company and one from the City. The two companies would own the line equally with the Santa Fe railroad spending an additional \$200,000 for a rail ferry slip at the north end of Sherman Street.

Construction was also delayed by the objections of neighborhood residents, led by the Alameda Women's Improvement Club who felt tracks on Buena Vista would bring unwanted problems into a residential area. In the end these objections were overridden and City Council approval of the Belt Line extension and the California Packing Company warehouse, which would be one of the Belt Line's principal customers, were granted on the same day in February 1927.

CONTINUATION SHEET #4

#19. Significance Continued

In 1929 plans were announced to extend the line another mile west of the yards. Later this extension would be used to build the Naval Air Station. At its most extensive, the Alameda Belt Line operated over 17 miles of tracks with two engines. In the beginning and during wartime the Belt Line ran day or night as it was needed, but in recent years it has run only from the late afternoon into the night to avoid congesting automobile traffic. During the day Southern Pacific collects cars in its Oakland yards which it brings across the Fruitvale Bridge after midnight. The next afternoon, the Belt Line delivers cars to individual customers and picks up loaded cars which Southern Pacific takes back to Oakland during the night. The operation today requires an engineer, two helpers and a yard master. The Belt Line carries box cars, open-top gondolas, flat cars, and tank cars. For customers not located on the Belt Line, there are "team tracks" where rail cars can be loaded onto trucks. Its principal customers today are within the network of spurs between Grand and Sherman Streets.

The ferry slip is no longer in existence, the tracks west of Constitution Way have been removed, many of the spurs have been removed and the industrial property along the Belt Line turned to other uses, and the engine house is gone. Belt Line offices have moved out of an old house at 1816 Sherman occupied in 1932, and out of the old Superintendent's Office, now the Yard House, at 1925 Sherman Street. The Yard House is now headquarters and locker room for the train crew. Still, the Belt Line is an active ongoing enterprise, serving six regular customers.

CONTINUATION SHEET #5

#21. Sources

Alameda City Building Permit Index.

Sanborn Insurance Co. Maps, 1948, 1932.

Alameda City Resolutions Index.

Alameda City Council Minutes Index.

"Waterfront Rail Line to be Built", Alameda Times Star, March 20, 1918.

Alameda City Manager, Annual Report, 1918, 1927, 1929, 1932.

Oakland Tribune Yearbook, 1926, 1927.

"Belt Line Terminal to Start", Alameda Times Star, February 26, 1927.

United States War Department:

The Board of Engineers for Rivers and Harbors, and the U.S. Shipping Board. Port Series No 12: The Ports of San Francisco, Oakland, Berkeley, etc., 1927.

"A Look at Belt Line Operation, History," Alameda Public Library Clipping File, September 23, 1974.

Barry Wood, "The Alameda Belt Line", Model Railroader, Volume 47:4 (April 1980), p. 80-84.

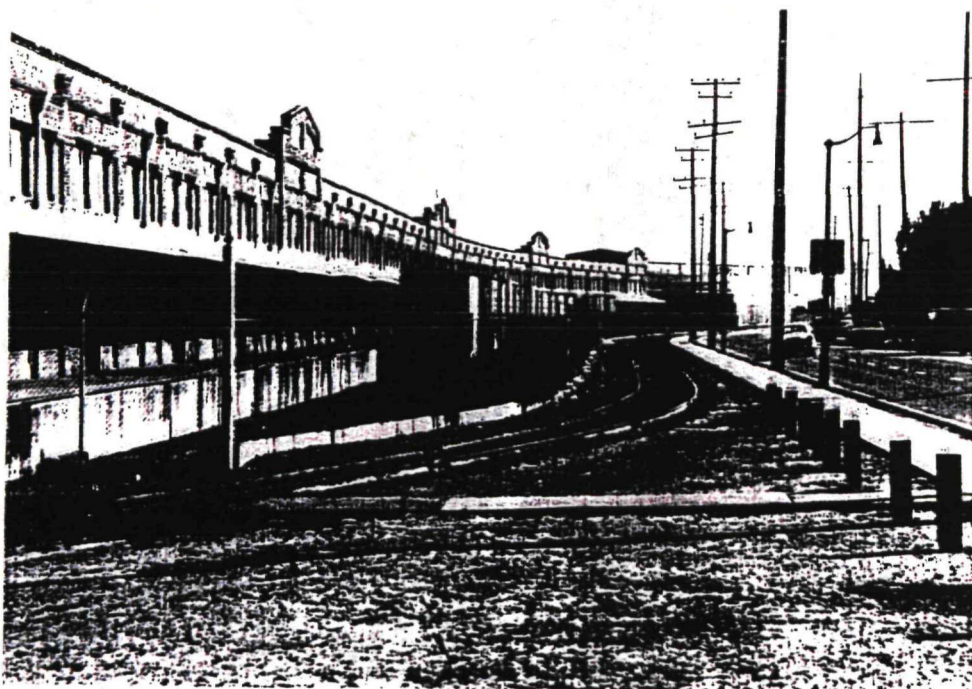
Phil Koppel, Superintendent of the Alameda Belt Line, June 8, 1988.

CONTINUATION SHEET #6

Features of the Alameda Belt Line Railway

1. UTM: 10567780/4181730 10/567780/4180160 10/564080/4180160 10/564080/418173

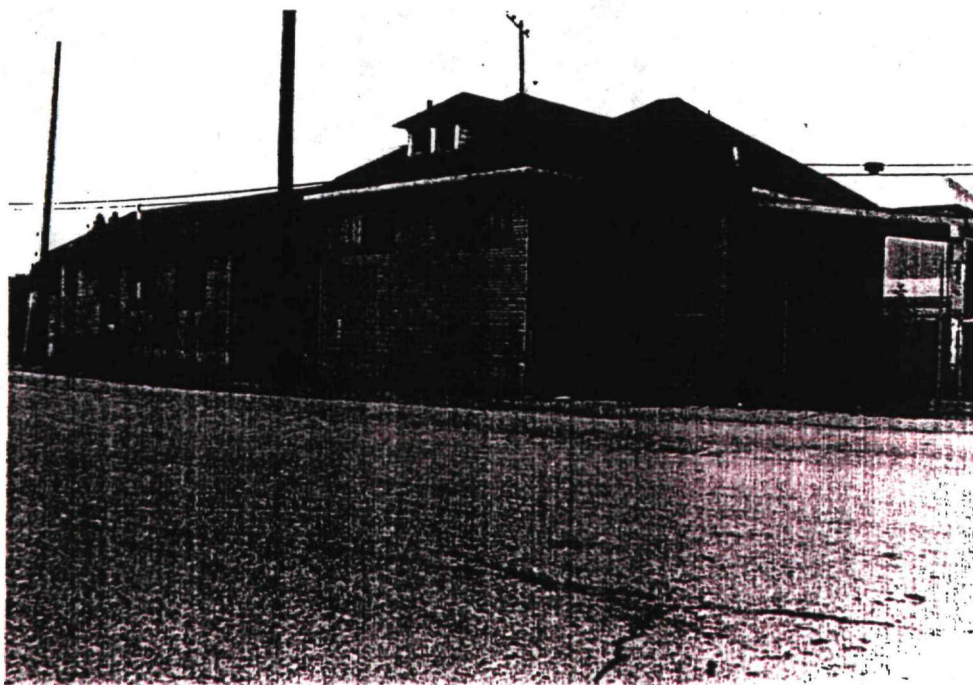
Railroad line between the Southern Pacific line at Tilden Way and the yard east of Constitution Way.



2. UTM: 10/565000/4181320

Yard House

Rambling 3-part building in a u-plan.

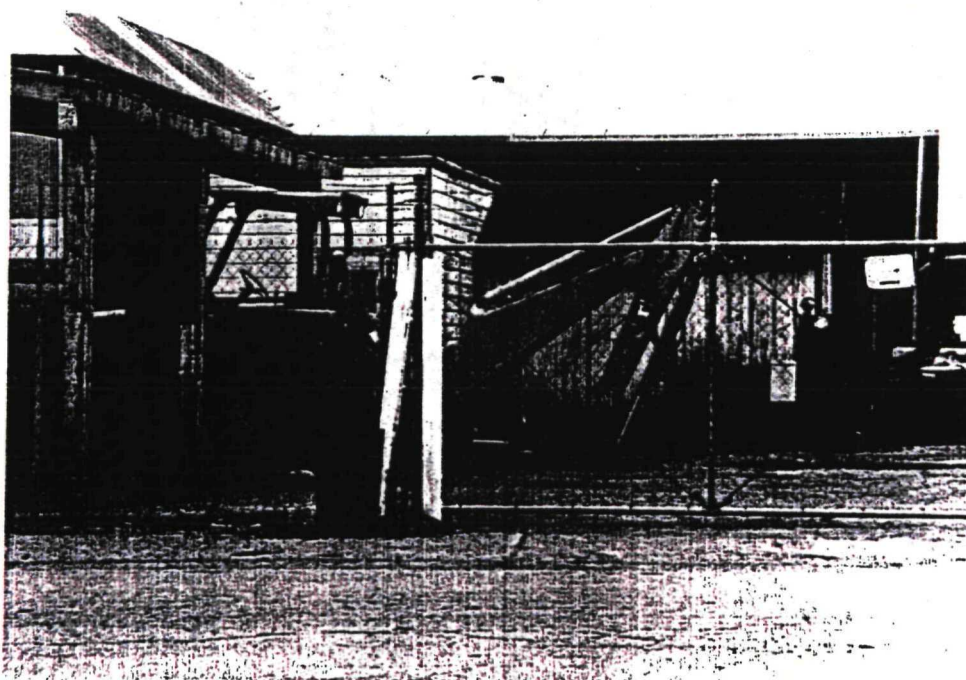


CONTINUATION SHEET #7

3. UTM: 10/565000/4181330

Sheds

Wood frame sheds behind yard house.

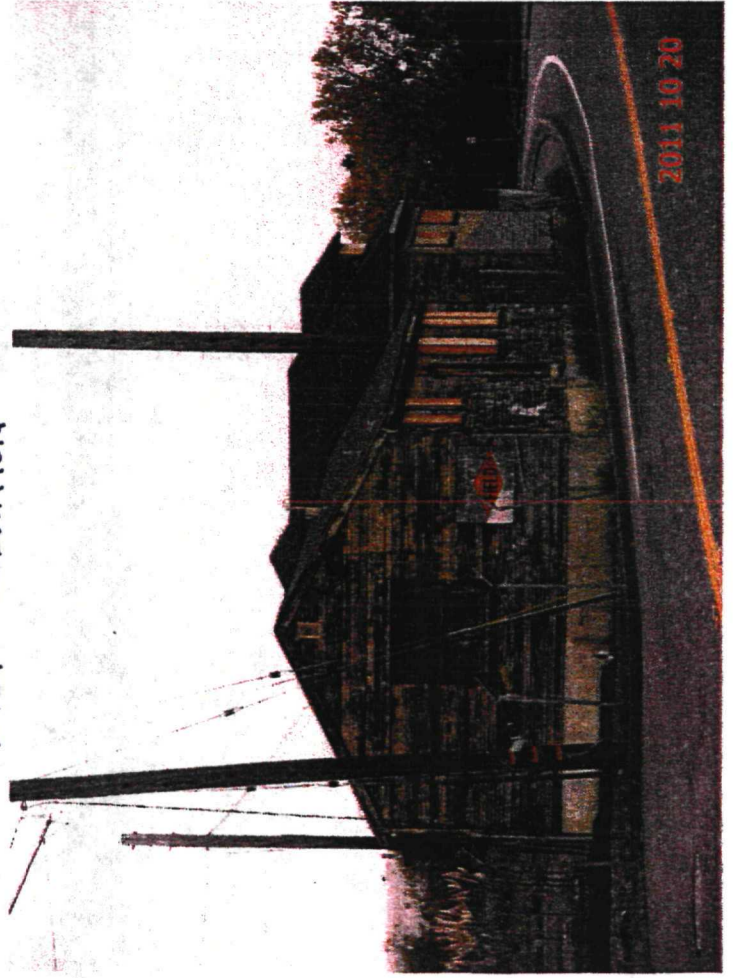




EAST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



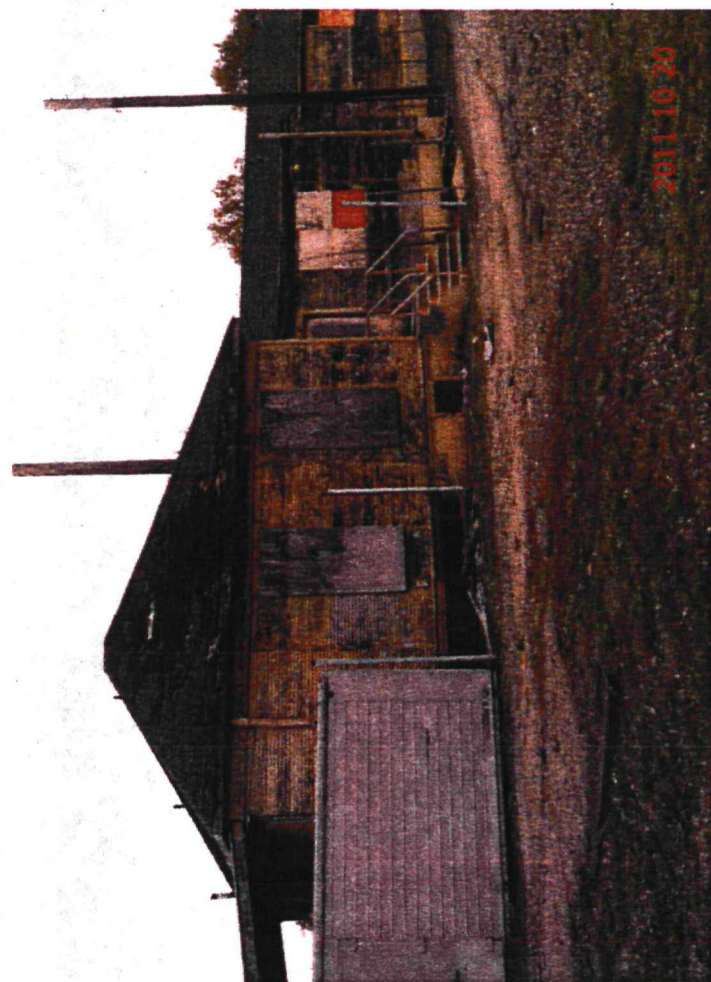
EAST ELEVATION



NORTH ELEVATIONS



NORTH



NORTH ELEVATION

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

1725 23<sup>rd</sup> Street, Suite 100  
SACRAMENTO, CA 95816-7100  
(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov  
www.ohp.parks.ca.gov



20 January 2012

Reply To: STB111129A

Lori Taylor  
Community Development Director  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501-4477

Re: Abandonment Exemption of a portion of the Alameda Beltline Railroad, Alameda County, CA

Dear Ms. Taylor:

You are initiating consultation on behalf of the STB regarding the above referenced undertaking. The City of Alameda is requesting my assistance in assessing any potential effects of the abandonment action in accordance with 36 CFR 800, regulations and implementing Section 106 of the National Historic Preservation Act.

As I presently understand it, the undertaking consists of abandonment of a portion of the Alameda Beltline Railroad extending from the point approximately 180 feet east of the intersection of Clement Avenue (MP 2.61) and Broadway (MP 0) to end of the track close to Constitutional Avenue (MP 2.61) in Alameda. Union Pacific, which had "trackage rights" over the bulk of the corridor, recently received discontinuance authority from STB for those trackage rights.

You are requesting that I concur with the determination of "No Historic Properties Effected" for the undertaking. As I understand it, the Alameda Beltline is locally listed but is not a historic property. Thus, I concur with the determination of "No Historic Properties Effected."

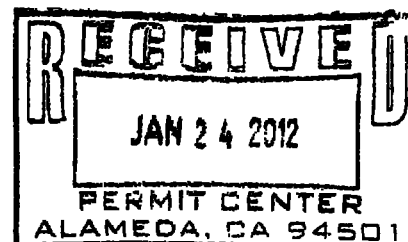
Thank you for considering historic properties in your planning process. If you have any questions, please contact Amanda Blosser of my staff at (916) 445-7048 or e-mail at [ablosser@parks.ca.gov](mailto:ablosser@parks.ca.gov).

Sincerely,

*Susan H. Stratton for*

Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer

MWD: ab



# **Appendix F**

Other Correspondence/Comments to City Of Alameda  
D/B/A Alameda Belt Line –Abandonment Exemption – AB 1090X

3-26-12:

Received a phone call from the U.S. Fish and Wildlife Service-  
Pacific Southwest Region 8, Coast Bay Branch, Dan Cordova  
(916) 414-6659:

“No comments on the application.”

Attached:

- Response from the National Geodetic Survey (NGS)
- Response from the Department of the Army, U.S. Army Corps of Engineers

**From:** Simon Monroe <simon.monroe@noaa.gov>  
**To:** <c.montange@frontier.com>  
**CC:** <ltaylor@ci.alameda.ca.us>, Surface Transportation Board <sea@stb.dot.go...>  
**Date:** 4/4/2012 2:46 PM  
**Subject:** NGS Response, STB Docket AB-1090X

> Thank you for sharing your railroad abandonment environmental report for  
 >  
 > ALAMEDA, Alameda County, CALIFORNIA.  
 >  
 >  
 >  
 > Approximately 14 geodetic survey marks may be located in the area  
 > described.  
 > If marks will be disturbed by the abandonment, [THE RAILROAD] shall  
 > consult with the National Geodetic Survey (NGS) at least 90 days prior to  
 > beginning salvage activities that will disturb, or destroy any  
 > geodetic station  
 >  
 > marks described on the attached file. Additional advice is provided at  
 > <http://geodesy.noaa.gov/marks/railroads/>  
 >

|---|-----|---|-----|-----|-----|-----|-----|

|...|HT0023|. u|29/ADJ UNCH|N374620.....|W1221409.....|C...|23RD 29TH

|...|HT0025|. 1|88/ADJUSTED|N374616.....|W1221413.....|D...|42 A

|...|HT0024|. 1|88/ADJUSTED|N374622.....|W1221408.....|D...|43 A

|...|HT2485|2 .|29/SCALED..|N374604.56033|W1221404.17825|D...|CLEM  
 BROAD 1947

|...|HT2488|2 .|29/SCALED..|N374618.47676|W1221434.56035|D...|CLEM WAL  
 1947

|...|HT2543|2 .|29/SCALED..|N374611.10895|W1221417.87663|C...|PARK CLEM

|...|HT0026|. u|29/ADJ UNCH|N374614.....|W1221415.....|D...|RV 1

|...|HT0029|. u|29/ADJ UNCH|N374614.....|W1221415.....|C...|RV 2

|...|HT0028|. u|29/ADJ UNCH|N374614.....|W1221415.....|D...|RV 3

|...|HT0027|. 1|88/ADJUSTED|N374614.....|W1221415.....|D...|T 470

|...|HT2532|2 .|29/SCALED..|N374609.49255|W1221440.80237|D...|WAL PAC 1947

|...|HT2472|2 .|29/SCALED..|N374629.16859|W1221457.90324|D...|CLEM LA  
 FAY 1947

|...|HT2889|2 .|29/SCALED..|N374635.71185|W1221532.98943|D...|BUENA

VISTA 1947

|....|HT2969|2 .|29/SCALED..|N374636.79110|W1221547.15463|D...|SHER  
VISTA 1947



**DEPARTMENT OF THE ARMY**  
**SOUTH PACIFIC DIVISION, U.S. ARMY CORPS OF ENGINEERS**  
**1455 MARKET STREET**  
**SAN FRANCISCO, CALIFORNIA 94103-1399**

April 20, 2012

Office of Environmental Analysis  
Surface Transportation Board  
395 E Street, SW  
Washington, D.C. 20423

Dear Sir or Ma'am:

I am writing to provide information on a Federal facility in the vicinity of the railroad line that is the subject of a petition for exempt abandonment by the City of Alameda, CA, STB Docket No. AB 1090X. This matter was referred to me by the South Pacific Division Office of Counsel, who received by mail a formal request for comments on the petition from the City of Alameda (City). I apologize that I was not able to provide this comment letter by the requested date of April 19th, but I hope you may still find this information useful as you evaluate the City's petition.

The Fruitvale Avenue Railroad Bridge (Bridge) spans the Oakland estuary in Oakland Inner Harbor, connecting Alameda and Oakland, CA. It is located at the eastern end of the channel where the estuary becomes a narrow tidal canal. The Bridge provides the only rail link between Oakland and the City of Alameda. It is owned by the U.S. Army Corps of Engineers (USACE) and maintained and operated for the USACE by the Alameda County Public Works Agency on a reimbursable basis using U.S. government funds. Operation of the Bridge is regulated by the U.S. Coast Guard.

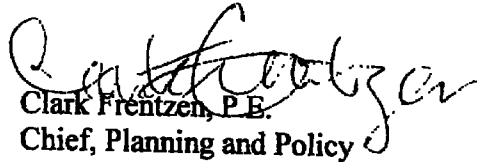
The Bridge has not carried rail traffic for several years. However, in section 4017 of the Water Resources Development Act of 2007 (Public Law 110-114), Congress directed the Secretary of the Army to prepare a comprehensive report that examines the condition of the existing Bridge and determines the most economic means to maintain that rail link by either repairing or replacing the Bridge. The USACE is still in the process of preparing the required report. Additionally, section 4017 prohibits the Secretary of the Army from (1) demolishing the Bridge or otherwise rendering it unavailable or unusable for rail traffic; or (2) reducing maintenance of the Bridge. A copy of section 4017 is enclosed for your reference. In evaluating the proposed action, we recommend a close review of this provision.

The USACE has no objection to the City's petition. What impact, if any, abandonment of the subject railroad line may have on the long-term future of the Bridge is unknown at this time.

Copies of this comment letter have been provided by mail to the City's counsel in this matter, Charles H. Montange, and to Lori Taylor, the Community Development Director for the City of Alameda.

Please direct future correspondence on this matter to Thomas Kendall, Chief of Planning Branch, San Francisco District, (415) 503-6822, [Thomas.R.Kendall@usace.army.mil](mailto:Thomas.R.Kendall@usace.army.mil).

Sincerely,

A handwritten signature in dark ink, appearing to read "Clark Frentzen", is written over the printed name.

Clark Frentzen, P.E.  
Chief, Planning and Policy  
South Pacific Division  
U.S. Army Corps of Engineers

Enclosure

**SEC. 4016. FRESNO, KINGS, AND KERN COUNTIES, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of carrying out a project for water supply for Fresno, Kings, and Kern Counties, California.

**SEC. 4017. FRUITVALE AVENUE RAILROAD BRIDGE, ALAMEDA, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary shall prepare a comprehensive report that examines the condition of the existing Fruitvale Avenue Railroad Bridge, Alameda County, California (referred to in this section as the “Railroad Bridge”), and determines the most economic means to maintain that rail link by either repairing or replacing the Railroad Bridge. Reports.

(b) **REQUIREMENTS.**—The report under this section shall include—

(1) a determination of whether the Railroad Bridge is in immediate danger of failing or collapsing;

(2) the annual costs to maintain the Railroad Bridge;

(3) the costs to place the Railroad Bridge in a safe, “no-collapse” condition, such that the Railroad Bridge will not endanger maritime traffic;

(4) the costs to retrofit the Railroad Bridge such that the Railroad Bridge may continue to serve as a rail link between the Island of Alameda and the mainland; and

(5) the costs to construct a replacement for the Railroad Bridge capable of serving the current and future rail, light rail, and homeland security needs of the region.

(c) **SUBMISSION OF REPORT.**—The Secretary shall—

(1) complete the Railroad Bridge report under subsection (a) not later than 180 days after the date of enactment of this Act; and

(2) submit the report to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives.

(d) **LIMITATIONS.**—The Secretary shall not—

(1) demolish the Railroad Bridge or otherwise render the Railroad Bridge unavailable or unusable for rail traffic; or

(2) reduce maintenance of the Railroad Bridge.

(e) **EASEMENT.**—

(1) **IN GENERAL.**—The Secretary shall provide to the city of Alameda, California, a nonexclusive access easement over the Oakland Estuary that comprises the subsurface land and surface approaches for the Railroad Bridge that—

(A) is consistent with the Bay Trail Proposal of the city of Oakland; and

(B) is otherwise suitable for the improvement, operation, and maintenance of the Railroad Bridge or construction, operation, and maintenance of a suitable replacement bridge.

(2) **COST.**—The easement under paragraph (1) shall be provided to the city of Alameda without consideration and at no cost to the United States.

**SEC. 4018. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary, in coordination with the city of Los Angeles, shall—

Response by City of Alameda d/b/a ABL to USACE letter of April 20, 2012

The USACE letter expresses no opposition to the proposed two-year out-of-service abandonment exemption for ABL in AB 1090X. The USACE letter, however, appears to focus on a matter extraneous to the AB 1090X proceeding. In particular, the USACE letter indicates that USACE owns the Fruitvale Avenue Railroad Bridge, which spans the Oakland estuary in the Oakland Inner Harbor. The letter further states that the Bridge has not carried rail traffic for several years, and notes that section 4017 of the Water Resources Development Act of 2007 (P.L. 110-114) contains provisions relating to the Bridge. The USACE recommends that in evaluating the proposed abandonment of the ABL, "[USACE] recommend[s] a close review of [section 4017]."

The Fruitvale Railroad Bridge is located on a line of railroad otherwise owned and operated by Union Pacific RR ("UP"). The UP line traverses the Oakland estuary between the mainland and City of Alameda. The UP line has not been authorized for abandonment and remains subject to STB jurisdiction. It is the sole rail line between the mainland and City of Alameda, and ABL interconnects with the UP line in the City. The Bridge is not located on the ABL. The Bridge's location (on the UP line) is indicated in the maps attached as Exhibit B to the Notice of Exemption in this proceeding and Appendix B to the Environmental Report. City of Alameda, through ABL or otherwise, does not operate the Bridge. The Bridge, owned by USACE, is operated by the County of Alameda (with reimbursement from USACE) in conjunction with a nearby highway bridge over the estuary.

The disposition of the Bridge is governed by section 4017 of P.L. 110-114, which on its face prohibits demolition of the Bridge and requires USACE to maintain it at current levels. Section 4017 also requires USACE to prepare a report concerning the Bridge within 180 days of the statute's enactment in 2007. USACE indicates that report is not finished. Nothing in section 4017 references ABL. On the face of the statute, activity or inactivity of ABL does not trigger any result or conclusion under section 4017, nor does operation, abandonment or railbanking of ABL. In particular, section 4017 obligates USACE not to demolish the Bridge but to maintain whether ABL is abandoned or operated. Section 4017 does not give rise to anything for this agency to review for purposes of the notice of exemption in AB 1090X.

In general, the abandonment or railbanking of a short line railroad does not give rise to any need for environmental review of structures located on unabandoned lines of Class I carriers like UP with which the short line may interconnect. USACE gives no reason to expand environmental review at this time to lines owned and operated by others at this time. The implications of rail abandonment for the Bridge are appropriately evaluated by, and only at issue before, STB if and when UP seeks abandonment authority for the UP line which uses the Fruitvale Bridge.

If USACE is simply seeking the City's views in respect to the Bridge for purposes of the long-delayed report USACE is supposed to make pursuant to section 4017, then City advises that it continues to support preservation of the Fruitvale Avenue Railroad Bridge and the adjoining highway bridge as vital links for current and future transportation needs.

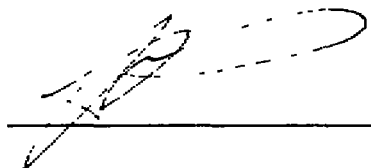
By counsel, 26 April 2012

STATEMENT OF WILLINGNESS TO ASSUME  
FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, City of Alameda (Interim Trail User) is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by City of Alameda d/b/a Alameda Belt Line and operated by same. The property, known as the Alameda Belt line, extends from railroad milepost 0.0 near the intersection of Clement Avenue and Broadway and milepost 1.85 at the eastern edge of the old railyard, a distance of 1.85 miles in City of Alameda, County of Alameda, CA. The right of way is part of a line of railroad proposed for abandonment in STB docket no. AB 1090X.

A map of the property depicting the right of way is attached.

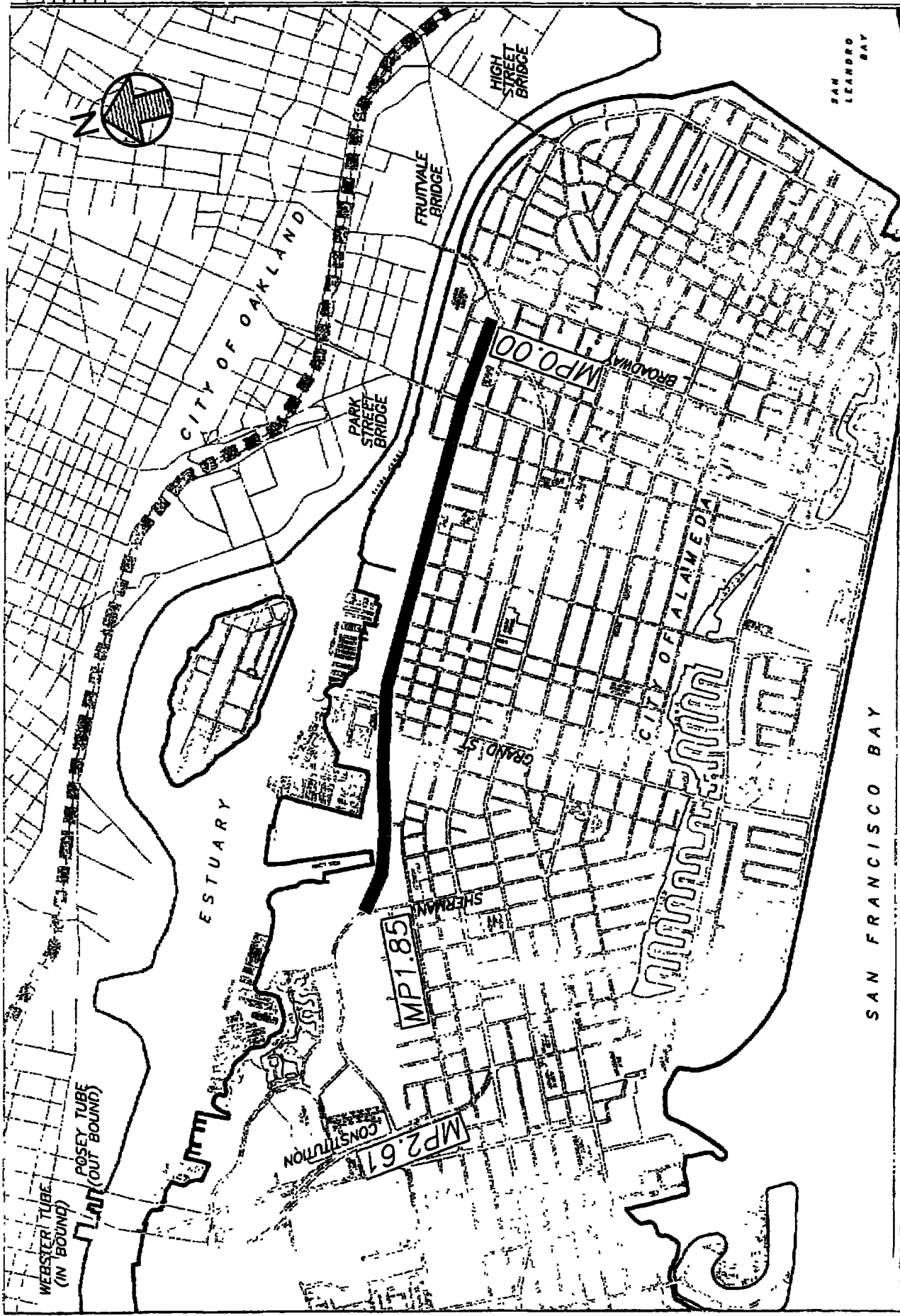
City of Alameda acknowledges that use of the right of way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right of way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

A handwritten signature in dark ink, appearing to read "John A. Russo", is written over a solid horizontal line. The signature is stylized with a large, sweeping loop at the end.

John A. Russo  
City Manager, City of Alameda

# ALAMEDA BELTLINE RAILROAD, M.P. 0.00 TO 2.61 CITY OF ALAMEDA, CA

DATE: 11-1-2007  
BY: [illegible]  
CHECKED: [illegible]



## LEGEND

TRACKAGE TO BE RAILBANKED  
MILE POST 0.00 to 1.85

PRINCIPAL HIGHWAYS

DATE: 11-1-2007

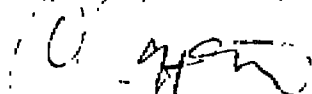
Consent to negotiation railbanking/interim trail use. City of Alameda d/b/a Alameda Beltline Railroad hereby consents to negotiate interim trail use and railbanking with City of Alameda. It has long been established that governmental entities proposing abandonments may "railbank" lines in their own names. RFRA – Abandonment Exemption – in Garfield, et al Counties, CO, AB 547X, served Oct. 16, 1998, slip op. at 4.

Joint request for issuance of NITU for MP 0 to MP 1.85. City of Alameda d/b/a ABL and City of Alameda independently accordingly request expeditious issuance of a Notice of Interim Trail Use (NITU) for the portion of the proposed abandonment from MP 0 to MP 1.85.

Additional copy for OEA. A courtesy copy of this letter and the filings associated therewith are also enclosed for the Office of Environmental Analysis, which was previously served with an electronic copy of the Environmental Report and Historic Report.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "CH Montange", is written over a circular stamp that is partially visible and mostly obscured by the signature.

Charles H. Montange  
Counsel for City of Alameda d/b/a ABL and  
City of Alameda

Encls: original and ten copies of (a) Notice of Exemption and (b) Statement of Willingness; filing fee; copies for OEA

cc. City of Alameda